



Personnel Policies
&
Procedures Manual

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CHAPTER 1 - Introduction

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SECTION 3: EQUAL OPPORTUNITY EMPLOYER

SECTION 4: AFFIRMATIVE ACTION STATEMENT

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SECTION 7: PERSONNEL POLICIES SUBJECT TO CHANGE

This Personnel Policies and Procedures Manual is applicable to all employees of the City of Cookeville whose activities and functions are subject to the control and direction of the City Manager. This manual and all other City manuals do not bestow any additional rights to employees regarding employment or employment benefits. This manual is not part of a contract and no employee has any contractual right to the matters set forth herein. This will serve notice to all employees that the employment relationship may be terminated by either the City or the employee at any time for any reason.

Section 1: General Policy

It is the policy of the City of Cookeville to:

- 1.01 Attract and recruit the best qualified candidates for employment from the competitive market.
- 1.02 Create a positive and productive employment environment by providing opportunity for development, involvement and advancement within the system.
- 1.03 Provide reasonable compensation, benefits, assurances and safeguards to its employees.
- 1.04 Ensure that all facilities, services, activities and opportunities are equally available and justly administered to all applicants and employees regardless of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.

Section 2: Purpose of Personnel Policies and Procedures

- 2.01 The purpose of personnel policies and procedures is to foster a positive employment environment of mutual benefit and protection to both the employee and the City; to encourage employee and public confidence in the organization; to ensure fair and consistent personnel practices in all City departments; and to adopt and administer a merit system of personnel management consistent with the policies of the City.

Section 3: Equal Opportunity Employer

- 3.01 It is the policy of the City not to discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation or disability. This policy includes, but is not limited to the following:
 - 3.01.01 The City will employ those applicants who possess necessary skills, education and experience, without regard to race, color, religion, creed, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 3.01.02 The City will promote, upgrade, transfer, demote, recruit, advertise or solicit for employment without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 3.01.03 The City will select for training and apprenticeship and train during employment without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 3.01.04 No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 3.01.05 The City will establish rates of pay and terms, conditions or privileges of employment without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 3.01.06 The City will use only those employment agencies, which do not discriminate on the basis of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.

SECTION 4: Affirmative Action Statement

- 4.01 It is and shall be the policy of the City of Cookeville, Tennessee, that all persons seeking employment with and/or employed by the City of Cookeville, Tennessee shall have equal employment opportunities, regardless of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability. Further, it is and shall be the policy of the City of Cookeville, Tennessee, that equal employment opportunities shall be granted any and all such persons aforementioned, by the elimination and avoidance of discrimination through Affirmative Action Planning which shall include, but not limited to, the following practices:
 - 4.01.01 Ensure that recruitment, hiring and promotion for all job classifications is done without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 4.01.02 Make employment decisions so as to further the principles of equal employment by imposing only valid requirements.
 - 4.01.03 Ensure that promotion decisions are in accord with principles of equal employment by imposing only valid requirements for promotional opportunity.
 - 4.01.04 Ensure that all other personnel actions and attributes of employment to which the employees shall be entitled and given, such as compensation, benefits, transfers, layoffs, return from layoff, training, education, tuition assistance, social and recreational programs will be administered without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
- 4.02 Affirmative and direct action is required to make equal employment a reality for minority and female persons. To implement this policy, the Municipal Government of the City of Cookeville, Tennessee,

hereby adopts this Affirmative Action Plan designed to increase the number and representation of affected and/or under-represented groups, in all departments and job classifications throughout the Municipal Government. The Municipal Government, in implementing its Affirmative Action Program, shall require compliance with Resolution #650 (passed by the Cookeville City Council on the 2nd day of August 1979) in its entirety. A copy of which is available in the Human Resources Department.

- 4.03 The human resources director shall be the City's affirmative action officer.

Section 5: Gender Used in These Personnel Policies and Procedures

- 5.01 For the purpose of interpreting these policies and procedures, he, his and him are used to refer to both the masculine and feminine.

Section 6: Effective Date of These Personnel Policies and Procedures

- 6.01 For purposes of implementation, the City Council has approved and adopted the City of Cookeville Personnel Policies and Procedures Manual, effective as of September 1, 1988. (Resolution Number 88212, passed June 27, 1988).

Section 7: Personnel Policies Subject to Change

- 7.01 These personnel policies and procedures are subject to change. Any and all changes will apply to all City employees, except those specifically exempt as part of the change.
- 7.01.01 All City employees will be notified of any and all changes made to these personnel policies and procedures.

CHAPTER 1 - Introduction

SECTION 1: GENERAL POLICY

SECTION 2: PURPOSE OF PERSONNEL POLICIES AND PROCEDURES

SECTION 3: EQUAL OPPORTUNITY EMPLOYER

SECTION 4: AFFIRMATIVE ACTION STATEMENT

SECTION 5: GENDER USED IN THESE PERSONNEL POLICIES & PROCEDURES

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- 1.02 Create a positive and productive employment environment by providing opportunity for development, involvement and advancement within the system.
- 1.03 Provide reasonable compensation, benefits, assurances and safeguards to its employees.
- 1.04 Ensure that all facilities, services, activities and opportunities are equally available and justly administered to all applicants and employees regardless of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.

Section 2: Purpose of Personnel Policies and Procedures

- 2.01 The purpose of personnel policies and procedures is to foster a positive employment environment of mutual benefit and protection to both the employee and the City; to encourage employee and public confidence in the organization; to ensure fair and consistent personnel practices in all City departments; and to adopt and administer a merit system of personnel management consistent with the policies of the City.

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 - 3.01.04 No employee shall aid, abet, compel, coerce or conspire to discharge or cause another employee to resign because of race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
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 - 4.01.01 Ensure that recruitment, hiring and promotion for all job classifications is done without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
 - 4.01.02 Make employment decisions so as to further the principles of equal employment by imposing only valid requirements.
 - 4.01.03 Ensure that promotion decisions are in accord with principles of equal employment by imposing only valid requirements for promotional opportunity.
 - 4.01.04 Ensure that all other personnel actions and attributes of employment to which the employees shall be entitled and given, such as compensation, benefits, transfers, layoffs, return from layoff, training, education, tuition assistance, social and recreational programs will be administered without regard to race, color, religion, sex, age, national origin, creed, ancestry, political affiliation, or disability.
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- 7.01.01 All City employees will be notified of any and all changes made to these personnel policies and procedures.

CHAPTER 2 - Scope and Responsibilities

- SECTION 1: EMPLOYEES SUBJECT TO THESE POLICIES**
- SECTION 2: AUTHORITY AND RESPONSIBILITY OF THE CITY COUNCIL**
- SECTION 3: AUTHORITY AND RESPONSIBILITY OF THE CITY MANAGER**
- SECTION 4: AUTHORITY AND RESPONSIBILITY OF HUMAN RESOURCE DIRECTOR**
- SECTION 5: AUTHORITY AND RESPONSIBILITY OF THE DIRECTORS**
- SECTION 6: AUTHORITY AND RESPONSIBILITY OF EMPLOYEES**

Section 1: Employees Subject to These Policies

- 1.01 The provisions of these policies shall be applicable to all City of Cookeville operating and staff departments and employees therein, with the exception of the following:
 - 1.01.01 Members of the City Council.
 - 1.01.02 Members appointed by the City Council to serve on advisory committees, special boards or commissions.
 - 1.01.03 Persons employed on a contractual fee for services or retainer basis.
 - 1.01.04 Volunteer employees of the City receiving no salary or compensation.

Section 2: Authority and Responsibility of the City Council

- 2.01 The City Council shall have the ultimate authority for the adoption of these personnel policies and procedures and amendments thereto.

Section 3: Authority and Responsibility of the City Manager

- 3.01 The City Manager shall have the ultimate authority and responsibility for the equitable and effective implementation and general administration of these personnel policies to include:
 - 3.01.01 Final approval in all personnel matters and actions regarding any City employee, including employment, promotion, transfer, termination, performance evaluation, merit amount and other related actions, where appropriate.
 - 3.01.02 Final authority for approval of proposed new or revised job classifications.
 - 3.01.03 Approval of training and development programs.
 - 3.01.04 Final authority for determining whether a factor is "job-related" as used in these policies and procedures.

Section 4: Authority and Responsibility of Human Resources Director

- 4.01 The human resources director shall be responsible for providing professional personnel services to the city manager and directors in the area of personnel administration and employee relations, to insure uniform, fair and efficient personnel administration.

- 4.02 The human resources director shall have the authority and responsibility for the equitable and effective implementation and daily administration of these personnel policies and procedures with their respective scope or organization as follows:
- 4.02.01 Provide employment services for all departments.
 - 4.02.02 Ensure that the City's personnel policies are administered and carried out fairly and equitably, and recommend changes and revisions of policies to the city manager.
 - 4.02.03 Develop, administer and maintain an employee performance evaluation system, with the approval and at the direction of the city manager.
 - 4.02.04 Ensure that each department has an up-to-date copy of these personnel policies and procedures.
 - 4.02.05 Provide initial orientation of City employees to include familiarization with City policies, procedures, benefits, organizational structure, personnel, working conditions, etc.
 - 4.02.06 Provide interpretation and clarification as needed, with the advice of the city manager as necessary, on the personnel policies and procedures and for those personnel issues not covered herein.
 - 4.02.07 Maintain the City's compensation and classification plan and ensure that it is kept current as may be required. Such responsibility may also include conducting classification studies to assure that the City's pay scales are competitive within the appropriate job market.
 - 4.02.08 Ensure that up-to-date job descriptions for all positions are maintained and are available in the human resources department.
 - 4.02.09 Provide, and/or coordinate with the city manager, employee training and development programs for city departments.
 - 4.02.10 Develop employee programs, with approval of the city manager, for the improvement of employee morale and effectiveness.
 - 4.02.11 Ensure that all positions to be filled have been authorized and budgeted.
 - 4.02.12 Ensure that all personnel records are filed in employees' official personnel file.
 - 4.02.13 Provide for the administrative and technical direction of the City's personnel system.
 - 4.02.14 Establish rules, regulations and procedures for the internal management and operation of the human resources department.
 - 4.02.15 Prescribe, develop and maintain such forms as are reasonably necessary to the effective operation of the human resources department.
 - 4.02.16 Prepare policies regulating reduction in force and removal of employees.
 - 4.02.17 Serve as the City's affirmative action officer.

Section 5: Authority and Responsibility of the Directors

- 5.01 Directors shall have the authority and responsibility for the equitable and effective administration of the personnel policies and procedures within their respective departments as follows:
- 5.01.01 Develop departmental personnel-related policies, procedures, rules and regulations which

shall serve as supplements to these personnel policies. The human resources director, city manager and City Council shall approve the supplements prior to inclusion in the departmental operation manual. In the event of conflict, the City's personnel policies contained herein prevail.

- 5.01.02 Responsible for personnel matters and actions for all employees within their respective departments including hiring, performance evaluation, merit amounts, termination, leaves with pay, leaves without pay, promotions, demotions, transfers, discipline, safety programs, training and development and such other matters deemed appropriate by the city manager. However, all such matters and action taken shall conform to the personnel policies and procedures contained herein, and shall be subject to review and/or approval by the city manager.
- 5.02 Ensure that notices of all City job opportunities are posted on bulletin boards in their respective departments.

Section 6: Authority and Responsibility of Employees

- 6.01 An employee shall have the responsibility for the following:
 - 6.01.01 Being aware of and familiar with the personnel policies, which govern his employment with the City and his relationship with his supervisors and City management.
 - 6.01.02 Assure that information contained in his personnel file contains accurate demographic data. Specifically, any changes in name, address, home telephone number, beneficiary, dependents or formal education shall be reported immediately to the human resources director through the director on the appropriate form.
 - 6.01.03 Following the chain of command when making reports, requests and recommendations to management and when filing grievances and appeals to management.

CHAPTER 3 - Recruitment and Selection

- SECTION 1: POLICY**
- SECTION 2: JOB ANNOUNCEMENTS/RECRUITMENT**
- SECTION 3: FILING AND MAINTAINING OF APPLICATIONS**
- SECTION 4: APPOINTING/HIRING AUTHORITY**
- SECTION 5: SCREENING**
- SECTION 6: SELECTION**
- SECTION 7: PROBATIONARY PERIOD**
- SECTION 8: TYPES OF APPOINTMENTS**
- SECTION 9: ENROLLMENT AND ORIENTATION**
- SECTION 10: COUNCIL NOT TO INTERFERE**

SECTION 1: Policy

- 1.01 It shall be the continuing policy of the City of Cookeville to attract and recruit the best qualified candidates for employment from the competitive market, in accordance with its Equal Employment Opportunity policy.

SECTION 2: Job Announcements/Recruitment

- 2.01 Written job descriptions shall be developed, maintained and reviewed for all City positions and shall be utilized as a basis for establishing minimum recruitment qualifications for attracting candidates for employment.
- 2.02 Requests to fill job vacancies shall be initiated by the department director, approved by the city manager and submitted to the human resources director for advertising.
- 2.03 Job vacancy announcements shall specify the job title; the time, place and manner for submitting application(s); minimum qualifications; general duties and responsibilities; special requirements; the closing date for submitting applications; and the statement, "The City of Cookeville, Tennessee is an Equal Employment Opportunity Employer."
- 2.04 To provide promotion and transfer opportunities for current full-time and part-time employees, notice of job vacancies shall be made available to all City personnel before applicants are recruited from outside. Job vacancy announcements will be placed on departmental bulletin boards and/or through the use of other recruitment methods as established by the human resources director. With City Manager approval, job vacancy announcements may be posted internally and publicly advertised concurrently to expedite filling a job vacancy.
 - 2.04.01 Current full-time and part-time employees applying for a vacant position shall complete a City of Cookeville Application for Employment and submit it to human resources prior to the application deadline. Although it is the intention of the City to give first consideration to current employees who possess the required skills and qualifications when filling job vacancies, completion of the application for a position is not a guarantee of selection. Outside applicants will be considered at the discretion of the department director.

- 2.05 If a vacant position is not filled by a current employee, position vacancies shall be publicized through newspaper and professional magazine advertisements, schools and colleges, employment agencies, and/or other recruitment methods as established by the human resources director.

SECTION 3: Filing and Maintaining of Applications

- 3.01 No one shall be denied the right of filing an application for vacant positions in City service.
- 3.02 In order to be considered a valid applicant for a position, each applicant shall file a completed and signed written application or resume, within the time limit fixed on the job vacancy announcement.
- 3.03 Applications and resumes shall remain active and on file in the human resources department for six (6) months from the date of initial application and one (1) year for finalists (See Section 5.04).
- 3.04 All applicants shall be responsible for providing their own transportation to an interview or any pre-employment examination. Any exceptions shall be approved by the city manager.

SECTION 4: Appointing/Hiring Authority

- 4.01 The city manager shall have the final approval on the hiring/appointing of all City employees, except for city judge, city attorney and city clerk, who are appointed by the City Council.

SECTION 5: Screening

- 5.01 The human resources director shall be responsible for the initial screening of applicants.
- 5.02 All pre-employment examinations and screening methods shall be job-related, impartial and shall equitably evaluate the qualifications, knowledge, ability to learn, skills and abilities of the applicant to efficiently and effectively execute the duties of the position.
- 5.03 Prior to actual appointment, medical examinations, including the screening for the use of drugs and alcohol, will be required of all applicants, except those being considered for emergency appointments.
- 5.03.01 The examining physician shall be a licensed, practicing medical doctor designated by the human resources director.
- 5.03.02 A certificate that the applicant meets minimum physical (and psychological, if required) standards shall be furnished by the physician.
- 5.03.03 The examination shall be at no expense to the applicant.
- 5.04 With the approval of the City Manager, written examinations, physical agility or other job-related examination scores shall be valid for six (6) months from the test date except the scores of finalists (given initial interview) which shall remain valid for one (1) year.
- 5.05 Other screening methods include but are not limited to reference checks, oral interviews, driving history (if a valid driving license is required), and certification validation.
- 5.06 The city manager may waive any or all screening requirements for current regular full-time and regular part-time employees seeking a transfer or promotion.

SECTION 6: Selection

- 6.01 The human resources director may reject an application or applicant when it has been determined that:
- 6.01.01 The application was not received on or before the publicized deadline.
- 6.01.02 The applicant failed to possess one or more of the minimum qualification requirements

specified in the job announcement.

- 6.01.03 The applicant has a record of a conviction for a felony or a misdemeanor, which is determined to be job-related.
- 6.01.04 The applicant failed to adequately or sufficiently complete or sign the application.
- 6.01.05 The applicant made false statements of any material facts in the application.
- 6.01.06 The applicant has established, as evidenced by reference checks, an unsatisfactory employment or personnel record of such nature as to demonstrate unsuitability for employment.
- 6.01.07 The applicant is afflicted with a mental or physical disqualifying disease or defect that would prevent satisfactory performance of his duties.
- 6.01.08 The applicant is addicted to the habitual use of drugs or intoxicants.
- 6.01.09 The applicant fails to sit for an examination, reply to a mail inquiry or does not return a telephone inquiry.
- 6.01.10 The applicant was previously employed by the City and was removed for cause or was not in good standing when he resigned.
- 6.02 The human resources director shall be responsible for the referral of all qualified applications to the department director.
- 6.03 With prior approval of the city manager, the department director shall have discretionary authority to select the applicant from all the qualified applicants referred.
- 6.04 The department director, human resources director and the city manager shall determine the method(s) to be applied in the final selection process.

SECTION 7: Probationary Period

- 7.01 Probation is an integral part of the selection process. It is a period of on-the-job evaluation that is every bit as important as the initial job application and testing process. Regular full-time or regular part-time positions, including promotional or transfer appointments, are contingent upon the successful completion of a six-month probationary period, except for certain positions in the Police Department which require a one-year probationary period.
 - 7.01.01 It is the responsibility of the department director to ensure timely performance evaluations of the probationary employee at the end of each three (3) month period.
 - 7.01.02 Employees who complete their initial probationary period and have received appointment to a regular full-time or regular part-time position shall be entitled to all rights and benefits as identified in these policies and procedures.
 - 7.01.03 Employees who fail to perform their job satisfactorily, shall be notified at least five (5) working days prior to the end of the probationary period that he/she will be terminated or that the probationary period is to be extended. In either case, prior city manager approval is required.
 - 7.01.04 The total probationary period, including extensions, shall not exceed twelve (12) months.
 - 7.01.05 With prior approval of the city manager, an employee may be terminated at any time during the probationary period when in the judgment of the supervisor and department director the employee's conduct or work performance is unacceptable.

SECTION 8: Types of Appointments

- 8.01 Regular full-time - Regular full-time employees are scheduled to work a minimum of 37.50 hours per week on a regular basis, except non-exempt fire department employees who shall be considered full-time employees by working a minimum of two twenty-four hour shifts per week.
- 8.02 Regular part-time - Employees working less than 37.50 hours per week on a regular basis.
- 8.03 Temporary - Temporary appointments may be made for a specific purpose(s), which is recognized to be of limited duration at the time of employment.
- 8.03.01 Temporary appointments do not require competitive selection but do require a satisfactory pre-employment physical examination.
- 8.03.02 Temporary employees shall be paid no more than the minimum rate for the classification in which they are working without special approval of the city manager.
- 8.03.03 The initial period of the temporary appointment, and any additional appointments to the same position, shall not exceed six (6) months unless specifically approved by the city manager.
- 8.03.04 The time an employee spends in a temporary appointment will not be applied to any probationary period should the temporary employee be appointed to fill a regular full-time or regular part-time position.
- 8.04 Emergency Appointments - When an emergency situation occurs involving serious impairment of public business or service, the city manager may authorize emergency appointments to handle or assist in the emergency. The period of emergency appointment shall be established by the city manager.
- 8.04.01 Emergency appointments are exempt from the competitive selection process but a physical examination is required within three days of appointment.
- 8.04.02 Pay rates for those employed in an emergency position shall be set by the city manager.
- 8.05 Reinstatement Appointment - An employee who has held a regular full-time or regular part-time position shall be eligible for reinstatement to any position previously held with the City.
- 8.05.01 While there is no guarantee of being selected, former employees may apply for reinstatement to vacant positions for which they are qualified.
- 8.05.02 Reinstatement must be within 180 days or less from the date of separation.
- 8.05.03 Reinstatement appointments shall be exempt from the competitive selection process used for other appointments but may require the employee to serve a probationary period.
- 8.05.04 A reinstated employee will retain his/her original anniversary date with the City and will be entitled to any unused sick leave accumulated. There will be no break in service except where carriers of certain benefits (example: retirement, health insurance, etc.) require it.
- 8.05.05 Prior city manager approval is required of all reinstatement appointments.

SECTION 9: Enrollment and Orientation

- 9.01 The human resources director will contact the selected applicant regarding hire date, physical examination, orientation, enrollment and required documents.
- 9.01.01 The applicant will be informed by the human resources director that certain documents (e.g., copy of diploma/degree, driving and professional licenses, etc.) must be furnished in order to enroll for City employment. Failure to provide these documents (or copies) will prevent employment with the City.
- 9.01.02 The human resources director will be responsible for scheduling the applicant's physical

examination.

- 9.01.03 The human resources director will be responsible for providing an orientation program designed to inform new employees regarding City government, policies and procedures, safety regulations and concerns and employee benefits, and departmental rules and regulations.

SECTION 10: Council Not To Interfere

- 10.01 In accordance with Section 2.08 of the City of Cookeville Charter, neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. A recommendation shall not constitute a violation of this section. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

CHAPTER 4 - Conditions of Employment

SECTION 1: RESIDENCY REQUIREMENTS

SECTION 2: EMPLOYMENT OF MINORS

SECTION 3: NEPOTISM

SECTION 4: STRIKES AND UNIONS

SECTION 5: OUTSIDE EMPLOYMENT

SECTION 6: CONFLICT OF INTEREST

SECTION 7: POLITICAL ACTIVITY

SECTION 8: DRIVING RECORDS

SECTION 9: PERSONNEL RECORDS

SECTION 10: JOB-RELATED INVESTIGATIONS

SECTION 11: MEDICAL EXAMINATIONS

SECTION 1: Residency Requirements

- 1.01 It is preferred, although not mandatory, that individuals employed by the City maintain their residency within the geographical boundaries of the City of Cookeville. When hiring new employees, all things being equal, preference will be given to residents of Cookeville.
 - 1.01.01 All employees, as part of their working agreement and for their personnel record, shall be required, for the length of their employment with the City, to personally furnish the human resources director through their director, and on the appropriate form, any changes in their residency, including complete address and telephone numbers.
- 1.02 Employees of the City whose positions are identified as "on-call" shall reside within a twenty (20) minute response time from their official duty station. Failure to comply with the provisions of this section shall be cause for disciplinary action.
 - 1.02.01 Job applicants for such "on-call" positions must indicate by signed statement, prior to employment or promotion, that within six (6) months from the date of appointment, that they will be in compliance with these residency requirements.
 - 1.02.02 Cases involving extreme hardship making such a move impractical; or, other good or sufficient reasons considered to be controlling or in the best interest of the City, shall be resolved by the city manager. Such requests must be in writing and include a detailed explanation of the circumstances involved.

1.02.03 With the city managers approval, each department director shall identify the "on-call" positions and maintain an up-to-date listing of all "on-call" positions in their department.

- 1.03 In accordance with Article III, Section 3.01 of the Charter for the City of Cookeville, Tennessee, the city manager, at the time of his appointment, need not be a resident of the City or state, but during his tenure of office he may reside outside the City only with the consent of the Council.

SECTION 2: Employment of Minors

- 2.01 It shall be the policy of the City to employ only persons 16 years of age or older upon date of hire. However, the following exceptions exist:

2.01.01 Where a minimum age of 18 years of age or older is an employment requirement under Federal, State or local laws.

2.01.02 With regard to this exception, Federal law establishes the minimum age for employment at 16 years of age in any occupation other than that declared hazardous by the Secretary of Labor. Occupations in the City which would be declared as hazardous are: positions which require the operation of motor vehicles, with a motor vehicle being defined as any automobile, truck, truck-tractor, trailer, semi-trailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation; and positions requiring operation of power driven circular saws, band saws and guillotine shears.

2.01.03 Where an older minimum age is required for employment in a public safety position.

SECTION 3: Nepotism

- 3.01 In no event shall applicants or employees of the City be approved for employment or be allowed to transfer to or remain in positions which members of the immediate family would have either direct or indirect reporting or supervisory relationships.

- 3.02 Where two or more individuals having either direct or indirect reporting or supervisory relationships, employed by the City in the same department or area, become members of the immediate family by marriage, the department director shall determine who shall leave the department or area and who shall stay. Withholding of information pursuant to this section shall render the employee(s) subject to disciplinary action.

SECTION 4: Strikes and Unions

- 4.01 No employee shall participate in any strike against the City, nor shall he join, be a member of, or solicit any other employee to join any labor union, which authorizes the use of strikes or slow-downs by government employees.

SECTION 5: Outside Employment

- 5.01 No employee shall accept any outside employment without written authorization of the city manager. The city manager shall not grant such authorization if the work is likely to interfere with the satisfactory performance of the employee's duties, or is incompatible with his city employment, or is likely to cast discredit upon or create embarrassment for the City.

- 5.01.01 Outside employment shall be defined as performing work and receiving pay as an employee of another person, business or corporation, or owning or operating a business which requires a city or county business license. The pursuit of a hobby such as raising cattle, making furniture, growing tobacco, etc., shall not be considered outside employment unless an employee-employer relationship is established through a third party.
- 5.02 Any employee engaging in approved outside employment must notify his director, in writing, of his place of employment; working hours; duties of such employment; and telephone number at the place of employment.
- 5.03 An employee shall not perform outside employment while receiving paid sick leave or injury benefits from the City.
- 5.04 An employee who is injured, disabled or becomes ill as a result of his outside employment shall not be eligible for Workers' Compensation injury benefits from the City. Employees shall be eligible to use accrued paid sick leave.
- 5.05 No equipment, uniforms, facilities, vehicles or other property of the City may be used by employees while engaged in outside employment, unless approved by the city manager.
- 5.06 In requesting approval for outside employment, the affected employee shall agree that his City position shall receive priority attention, and that no duties or responsibilities of the outside job shall interfere with his position with the City.

SECTION 6: Conflict of Interest

- 6.01 In accordance with Section 14.05 of the Charter of the City of Cookeville, Tennessee, no member of the Council or any officer or employee of the City shall have a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material, supplies or services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the city manager or the council.
- 6.02 City employees who may be in a position to influence City action and decisions shall refrain from all relationships, which may adversely affect the exercise of their independent judgment in dealing with City suppliers of goods or services.

SECTION 7: Political Activity

- 7.01 In accordance with Tennessee Code Annotated, Title 7, Chapter 51, City employees may hold political office and participate in local, state or national elections. Section 2.02 of the Charter of the City of Cookeville provides that City employees elected to the Council shall resign from employment prior to induction in office as a council member.

SECTION 8: Driving Records

- 8.01 Any employee driving a City vehicle is required to have an appropriate valid driver's license for the vehicle being driven, as required by Tennessee state law, whether or not the employee drives the vehicle on a regular basis, and whether or not this requirement is included in the description of the job to which the employee is assigned.
- 8.02 Suspensions, restrictions, expirations or revocations or other actions taken by any police jurisdiction against any employee at any time during his employment with the City shall be reported immediately,

(prior to reporting for duty the next workday) to his supervisor.

- 8.03 Periodic review of employees' driving records may be conducted by the City to assure adherence to this policy.

SECTION 9: Personnel Records

- 9.01 It is the responsibility of each employee to keep personal information in his personnel file up-to-date by notifying the human resources director of any information changes, such as name, address, telephone number, beneficiary, training or course work completed, and to provide copies of diplomas or certificates received.
- 9.02 The City shall not be held liable when incorrect withholdings, wrong beneficiaries, or loss of employee benefits result from the failure of any employee to keep personnel records current.

SECTION 10: Job-Related Investigations

- 10.01 As a condition of employment, any employee may be required, upon due notice, to cooperate with respect to any job-related hearing or inquiry scheduled by the City Council or any person, committee, board or body authorized to act in its behalf.
- 10.02 Employees may be subject to termination for refusing to cooperate according to the following:
- 10.02.01 Willfully refusing or failing to appear at any such hearing or inquiry.
- 10.02.02 Having appeared, refusing to answer any questions relating to the performance of his official duties and/or any matter relating to any branch of City service.
- 10.02.03 If the possibility of criminal action is involved and the employee refuses to answer questions where the City can resolve the situation, the matter may be forwarded to the Attorney General or other appropriate law enforcement agency.

SECTION 11: Medical Examinations

- 11.01 As a condition of continued employment, all employees must continue to meet minimum fitness standards required by the position to which appointed.
- 11.02 Any director or the city manager shall have the discretionary authority to require an employee to undergo a physical or mental examination to determine whether or not the affected employee is physically and/or mentally able to perform his required duties.
- 11.02.01 The cost of the examination, limited to diagnostic procedures deemed appropriate by the examining physician or other professionals to whom the employee has been referred by the examining physician to determine fitness and not inclusive of any treatment subsequent thereto, shall be at no expense to the employee.
- 11.02.02 The examination shall be accomplished by a licensed medical practitioner or other practitioners as designated by the personnel director. Examiners may additionally include such professional practitioners as may be recommended by the initial examiner.
- 11.02.03 The examination shall be sufficiently extensive to reasonably ascertain whether or not the employee is capable of performing his required duties.

Amended Dec. 1996
 Amended Aug. 1998 Added New Sect. 20
 Amended Aug. 2000 Addition to Sect. 20.01
 Amended April 2007 Added New Section 1.04 Code of Ethics; Amended Sect. 12.05 Travel; Sect. 12.05.01 deleted; Added Section 23 Whistleblower; Added Section 24 Recording of Employees
 Amended Nov 2007 Added no smoking areas to include vehicles or on any city-owned equipment with an enclosed cab
 Amended July 2008 Sect. 13.02 City vehicles marked; Sect. 13.03.01 Primary on-call employees; Sect. 13.03.02 Secondary on-call employees; Sect. 13.03.03 Police Officers; Sect. 13.03.04 City Manager's vehicle
 Amended Aug 2011 Added Section 25 Workplace Harassment
 Amended Jan 2013 Replacing Section 13.04 Commuting use of city owned vehicles is taxable non-cash fringe benefit.
 Amended June 2019 Amended Section 12.05 Travel Regulations by deleting rates for Level 1 counties and replacing with standard reimbursement rate schedule.
 Amended July 2020 Added the word "Property" to the title of Section 4 and adding Section 4.03 to Section 4.

CHAPTER 5 - Code of Conduct

- SECTION 1: GENERAL STATEMENT**
- SECTION 2: EMPLOYEE RESPONSIBILITY: PERSONNEL POLICIES**
- SECTION 3: ACCEPTANCE OF GRATUITIES**
- SECTION 4: USE OF CITY TIME, PROPERTY, FACILITIES, ETC.**
- SECTION 5: DISCLOSURE OF INFORMATION**
- SECTION 6: PERSONAL MAIL, CALLS AND VISITORS**
- SECTION 7: DRESS AND APPEARANCE**
- SECTION 8: INDICTMENTS**
- SECTION 9: INCARCERATION**
- SECTION 10: DRUGS AND ALCOHOL**
- SECTION 11: SEXUAL HARASSMENT**
- SECTION 12: TRAVEL REGULATIONS**
- SECTION 13: USE OF CITY-OWNED VEHICLES**
- SECTION 14: SOLICITATION AND DISTRIBUTION OF MATERIALS**
- SECTION 15: EMPLOYEE IDENTIFICATION CARDS**
- SECTION 16: PERSONAL VALUABLES**
- SECTION 17: GARNISHMENTS**
- SECTION 18: SMOKING**
- SECTION 19: COMPUTER AND SOFTWARE POLICY**
- SECTION 20: COMMUNICATIONS SYSTEMS POLICY**

SECTION 21: VIOLENCE IN THE WORKPLACE

SECTION 22: OCCUPATIONAL SAFETY AND HEALTH PROGRAM

SECTION 23: WHISTLEBLOWER

SECTION 24: RECORDING OF EMPLOYEES

SECTION 25: WORKPLACE HARASSMENT

SECTION 1: General Statement

- 1.01 This code of conduct applies to all City employees and shall be the minimum requirement/condition of employment.
- 1.02 All employees are expected to be aware that they are public service employees and are to conduct themselves both on and off the job in such a manner as to reflect credit upon themselves and the City.
- 1.03 Employees shall treat each other with the utmost courtesy and respect and refrain from making any derogatory or critical remarks against City departments, policies, programs, City officials or other employees. If a situation occurs where an employee feels he has not been treated fairly by other employees or his supervisor, procedures outlined in Chapter 11 and 12 shall be followed to air the grievance or appeal.
- 1.04 Employees are subject to the Code of Ethics as adopted by Ordinance #O07-04-10. It is included as an appendix to this manual.

SECTION 2: Employee Responsibility: Personnel Policies

- 2.01 All employees shall be responsible for becoming aware of and familiarizing themselves with the policies and procedures, which govern their employment relationships with their supervisors and the City administration.
- 2.02 All employees shall be responsible for immediately reporting any and all suspected violations of these provisions and of any City rule or regulation to their immediate supervisor, their director or the city manager. Failure to do so may subject the employee to disciplinary action.

SECTION 3: Acceptance of Gratuities

- 3.01 No employee shall accept any favors, gratuities, special concessions of any kind from any outside individual, company or organization that might reasonably be interpreted as an attempt to influence actions with respect to City business.
- 3.02 No City employee shall make or attempt to make private purchases, for cash or otherwise, in the name of the City, nor shall he otherwise use or attempt to use his position to secure unwarranted privileges or exemptions for himself or others.
- 3.03 These limitations are not intended to prohibit the acceptance of articles of negligible value or the acceptance of social courtesies, which promote good public relations.

SECTION 4: Use of City Time, Property, Facilities, Etc.

- 4.01 The use of City time or property for personal use or gain is strictly prohibited.
- 4.02 Assignment of City on-duty personnel for personal use or gain is strictly prohibited.

- 4.03 No decal, emblem, flag, insignia, or similar item shall be affixed to any City of Cookeville property, including buildings, vehicles, equipment, or uniforms, unless authorized by the Department Director and approved by the City Manager. Approved items include City of Cookeville/Department badges and logos and the flags of the United States and State of Tennessee.

SECTION 5: Disclosure of Information

- 5.01 In order to provide the most accurate and complete information to the news media when responding to inquiries about City business, the directors and city manager shall be responsible for responding.

SECTION 6: Personal Mail, Calls and Visitors

- 6.01 The use of City mail and telephones by employees for personal use is discouraged. Also receiving of personal visitors on City time is to be kept to a minimum. Under no circumstances are employees to use City stationery or postage for their own personal correspondence.

SECTION 7: Dress and Appearance

- 7.01 City employees (particularly those dealing directly with the public) are expected to be dressed and groomed in accordance with accepted social and business standards. Department directors shall set a reasonable dress code appropriate for the job to be performed.

SECTION 8: Indictments

- 8.01 Every employee shall be responsible for immediately notifying his supervisor when information has been filed by a prosecuting official against him for an offense or violation of law, or when he has been indicted by the Grand Jury. Failure to do so may result in disciplinary action. *Exception: Moving traffic violations need not be reported unless the affected employee's position requires a valid driver's license or special license(s) as a condition of employment.*

- 8.02 The supervisor shall immediately advise the director, who, concurrently with the city manager, shall determine if it is in the best interest of the City and the work program of the department to:

8.02.01 Retain the affected employee in his regular position

8.02.02 Assign the affected employee to other duties or another position until such time as any charge is disposed of by trial, acquittal, dismissal, conviction or other judicial action or

8.02.03 Initiate disciplinary action

- 8.03 In the event that the affected employee is retained in City service following the indictment or charge and pleads nolo contendere or guilty to any charge or indictment, and/or is found guilty of the charge, the city manager, personnel director and director shall determine if it is or is not in the best interest of the City for the affected employee to remain employed by the City. Determining factors used to make this employment decision shall be the job relatedness of the offense or violation.
- 8.04 In the event the employee is found to be not guilty, is acquitted of the charge or the indictment is dismissed, the director and city manager shall immediately review the affected employee's employment status and shall inform the employee of the results of such review.
- 8.05 If the indictment or charge is directly work-related, nothing shall preclude the City from initiating disciplinary action independent if any judicial hearings or proceedings.

SECTION 9: Incarceration

- 9.01 If, while employed by the City, an employee is incarcerated or put in jail for an offense, charge, etc., he shall be solely responsible for notifying his immediate supervisor as soon as reasonably possible.
- 9.02 The affected employee shall be allowed to request accumulated annual leave or to request leave without pay according to the guidelines for leave with or without pay.
- 9.03 If the employee is released from jail, the director and city manager shall review his employment status.

SECTION 10: Drugs and Alcohol

- 10.01 The City of Cookeville recognizes that the use of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City to provide all employees with a safe and secure workplace that promotes individual health and workplace efficiency. Employees are public employees and must foster the public trust by preserving employee reputation for integrity, honesty and responsibility.
- 10.02 It is the policy of the City of Cookeville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action including termination of employment.
- 10.03 The City of Cookeville has adopted a drug and alcohol testing policy which complies with the Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment; the Federal Highway Administration rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); the Division of Transportation rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and drug testing of safety-sensitive employees and requires the use of a "split specimen" approach to drug testing. *The complete Drug & Alcohol Testing Policy is found in the Appendix of this manual.*

SECTION 11: Sexual Harassment

- 11.01 It is the policy of the City to provide employees a work environment that is free of any type of sexual harassment.
- 11.02 Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature may constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
- 11.03 Employees who feel they have been the object of sexual harassment should present the charge to the director, human resources director or the city manager. Should the city manager be the accused, the affected employee should present the charge to the mayor.
 - 11.03.01 The director or other employee receiving the initial complaint shall be responsible for assisting the affected employee in completing a written complaint. The complaint shall include the circumstances giving rise to the allegations and the dates of the alleged occurrences. The affected employee shall sign the complaint.
- 11.04 In each case, the facts and specifics shall be examined and weighed for objective determinations by the appropriate authorities. As in all grievances, it shall be the employee's responsibility to factually support his contentions/allegations of harassment.

- 11.05 Based on the serious nature of allegations of sexual harassment, such grievances shall be closely scrutinized; employees found to be using such allegations to discredit, embarrass or otherwise cause harm to another employee's employment status shall be subject to disciplinary action.

SECTION 12: Travel Regulations

- 12.01 For the purposes of this section, "employee" or "individual" shall mean any elected or appointed municipal officer or employee, including members of municipal boards and committees appointed by the mayor or the city council, and the employees of such boards and committees who are traveling on official municipal business and whose travel was authorized in accordance with the regulations set forth herein. Approved travel shall be reimbursed for the actual necessary expenses incurred to the limitations set forth herein:

12.01.01 Travel must be by the most direct route possible and any individual traveling by an indirect route must assume any additional expenses incurred.

12.01.02 Reimbursement for meal expenses incurred when traveling in Putnam County will not be allowed, except as provided in Section 12.05.02.

12.01.03 Employees, when traveling, should be as conservative as circumstances permit, and actual expenses should normally be considerably less than the maximum limit.

- 12.02 A standard expense form, approved by the finance director, shall be used for all claims for travel expenses. Any recovery of travel expenses by other methods will not be allowed.

12.02.01 Receipts must be attached for all expenses incurred, *except for meals (see Section 12.05) and up to \$5.00 per day will be allowed for miscellaneous expenses for such items as cost of checking in and out of hotels, parking fees, toll and ferry fees, etc.*

12.02.02 Travel claims received by the finance director that exceed the limits in the travel regulations set forth herein may be reimbursed when supported by adequate documentation and department director approval. Any disallowed expense may be appealed to the city manager.

12.02.03 All travel expense forms shall be submitted to the finance director within ten (10) working days upon return to work.

- 12.03 Transportation requirements:

12.03.01 Transportation for employees traveling single, out-of-state, should be by common carrier (air, bus, train) whenever practical, and the fare must not exceed the regular tourist fare charged the general public. A receipt or ticket stub must accompany the expense claim.

12.03.02 Employees should make use of city-owned vehicles when possible; however, city-owned vehicles will be used only on official business.

12.03.03 Reimbursement for mileage may be claimed if a personally-owned vehicle has been authorized in the daily performance of duties or for a special purpose, unless the employee is receiving a monthly vehicle allowance for the use of their personal vehicle for city business.

12.03.04 If an individual travels by common carrier, reasonable taxi fares will be allowed for necessary transportation to and from hotels, meetings, etc. It is expected that bus or limousine service will be used where available and practical. In traveling between hotel or lodging and meeting or conference, reasonable taxi fares will be allowed.

12.03.05 Reimbursement to an employee for mileage traveled while on official business and while using a personal vehicle shall be at the standard mileage rate allowed by the State of Tennessee.

12.04 Reimbursement of actual expenses for lodging will be allowed. Luxury accommodations should be avoided. Whenever conferences or meetings are held in a convention, luxury or resort hotel or motel and it is expedient for the employee to have lodging at the same location, the established minimum single room rates that are in effect (if available) will be allowed.

12.05 The per diem reimbursement for meals shall be in accordance with the CONUS (Continental United States) rates for all out-of-state travel, and the per diem reimbursement for meals for all in-state travel shall be in accordance with the State of Tennessee's standard reimbursement rate schedule. Actual meal receipts are not required unless the meal cost exceeds the maximum amount or when meals are charged on a city-issued credit card. When meals are unavoidably in excess of these amounts, reimbursement may be obtained with the approval of the City Manager. Meals included as a part of a conference or seminar charge will not be reimbursable.

12.05.01 (Reserved)

12.05.02 When it is in the best interest of the City to have a guest for a meal, the rates set forth in Section 12.05 shall apply whether the City employee entertaining the guest is in or out of town. The date, name of the guest and his/her official employment affiliation shall be submitted with the expense form, in addition to a statement explaining the purpose of the occasion.

12.06 Expenditures for entertainment including lounge, nightclub, theater, etc., are personal charges and will not be allowed, except as set forth in Section 12.05.02.

12.07 A ten-word telegram or three-minute station-to-station telephone call to notify the immediate family of an employee of their safe arrival at their destination will be allowed. If the charge is included on the hotel bill, a brief identifying notation shall be made opposite the charge.

12.08 Registration fees for approved conferences, conventions, seminars, workshops, etc., will be allowed, including cost of official banquets, luncheons, breakfasts, etc.

12.09 Credit cards may be provided for the convenience of employees while traveling. However, reimbursement requests shall be submitted for expenses incurred using the city's credit card in the same manner they would be submitted if the employee were requesting reimbursement.

12.10 An employee shall notify his supervisor when he/she will be traveling out-of-county on city business. All out-of-state travel shall be approved in advance by the city manager.

12.11 Employees can request either a travel advance for the projected cost of authorized travel, or advance billing directly to the city for registration fees, air fares, meals, lodging, conference and similar expenses. Travel advances are not considered documentation of travel expenses. If travel advances exceed documented expenses, the employee must immediately reimburse the city.

SECTION 13: Use of City-Owned Vehicles

13.01 For the purposes of this section, on-call employees shall be classified by the city manager and the department director as **Primary** or **Secondary On-Call Employees**, and are defined as follows:

Primary On-Call Employees. Employees whose duties and responsibilities involve immediate response to an emergency/service call on a regular or frequent basis.

Secondary On-Call Employees. Employees whose position and/or duties involve secondary and/or backup response to an emergency/service call, and although they will not be the first or immediate responders, they are subject to frequent duty on the scene of an emergency or service call. This category also includes employees who are directly under the department director and whose duties and responsibilities involve reporting to several emergency/service calls to lend their expertise and give supervision to the other employees on the scene.

13.02 All city-owned vehicles, except the city manager's and investigative vehicles, shall be marked as belonging to the City of Cookeville. The method used to mark each vehicle shall be determined by the city manager.

13.03 Only authorized personnel shall ride in a city-owned vehicle. Employee's family members are not authorized to ride in any city vehicle, except in emergency situations. City-owned vehicles shall be used for official city business only, with the following exceptions:

13.03.01 **Primary on-call employees** may be required to drive a service vehicle home. These employees are authorized to use the service vehicle for trips to and from the grocery, church, etc., so they can respond immediately to emergency/service calls. When the primary on-call employee is using the city-owned vehicle, he/she is required to be in uniform, when practical, and to display an official "on-call" sign in the vehicle that is clearly visible from the outside. Primary on-call employees shall reside within a twenty (20) minute response time from their duty station, and shall remain within that twenty (20) minute response time while on-call.

13.03.02 **Secondary on-ca employees** may be assigned a city-owned vehicle to drive home. The department director shall assign secondary on-call take-home vehicles on as needed basis. These employees shall not drive the vehicle for personal reasons, except for those trips which are normally associated with travel to and from work and during meal breaks. However, these employees may be authorized by their department director or the city manager to use their vehicle for personal business (grocery, church, etc.) during times that a situation exists or may occur that would require the use of a city radio and/or other equipment carried in the city-owned vehicle. Secondary on-call employees shall reside within a twenty (20) minute response time from their duty station, and shall remain within that twenty (20) minute response time while on call.

13.03.03 Police **Officers** residing within a twenty (20) minute response time from their duty station shall be assigned a patrol vehicle to drive while on duty for the Cookeville Police Department, and are authorized to drive that vehicle home. New police officer applicants that agree to live inside the city limits will be given extra consideration during the hiring process.

13.03.04 **The city manager** shall be assigned a city-owned vehicle and shall not use the vehicle for any personal reason except for those trips which are normally associated with travel to and from work and during meal breaks. The city manager shall determine whether it is necessary for a department head to drive a vehicle home. Department directors and the city manager are authorized to use his/her vehicle for personal business (grocery, church, etc.) during times that a situation exists or may occur while commuting to and from work, and in situations that would require the use of a city radio and/or other equipment carried in the city-owned vehicle. Department directors shall reside within a twenty (20) minute response time from their duty station.

13.04 The use of a city owned vehicle to commute to and from work is a taxable non-cash fringe benefit. The commuting use of a city owned vehicle shall be included in the employee's gross income and federal taxes deducted from the employee's check each pay period unless the commute is in a vehicle that meets the specific requirements in the federal tax regulations as a "qualified non-personal use vehicle". Personal use for commuting shall be valued based on the "commuting valuation rule" in the federal tax regulations.

- 13.05 In lieu of assigning a vehicle to an employee who has regular need of a vehicle for City business, the employee will be permitted to use a City motor pool vehicle. Upon the recommendation of the department director and with city manager approval, an employee may be authorized to use his/her own vehicle and be paid the standard state mileage rate for the miles driven on City business. The city manager may also authorize the employee to receive a "vehicle allowance" in-lieu of other reimbursement for use of his/her own vehicle for City business.

13.05.01 The employee receiving a mileage reimbursement or vehicle allowance shall be responsible for insuring the vehicle and shall hold the City harmless for any liability, which might arise in the employee's use of his/her vehicle for City business.

- 13.06 It shall be the responsibility of the department director to schedule routine maintenance of all City vehicles in his department. This shall include vehicles assigned to an employee or in a motor pool.

SECTION 14: Solicitation and Distribution of Materials

- 14.01 The solicitation of contributions or the sale of any items by City employees while on duty shall not be permitted, with the following exception: the department director may approve an employee's participation in fund-raising efforts sponsored by a locally recognized civic or community organization.

SECTION 15: Employee Identification Cards

- 15.01 ID cards bearing the employee's name, employee number, department and picture will be issued to all employees upon employment with the City.
- 15.02 Employees shall carry their ID card with them and non-uniformed employees working with the public out of their office are required to wear their ID card or an approved name badge identifying them as "City of Cookeville" employees. Each department director shall identify employees who will be required to wear ID's or badges.

SECTION 16: Personal Valuables

- 16.01 The City shall not be responsible for personal valuables lost or stolen on City property.
- 16.02 The City shall provide lockers and locks when needed for storage of personal property such as clothing, manuals, etc. Employees shall not keep personal valuables in lockers. Any valuables brought to work shall be kept on your person at all times.
- 16.02.01 The City reserves the right to search lockers assigned to employees at any time.
- 16.02.02 Only locks owned by the City will be used on employee lockers.

SECTION 17: Garnishments

- 17.01 Employees of the City of Cookeville are expected to be responsible in meeting their financial obligations. Notice of all garnishments shall be sent to the human resources director. The human resources director will meet with the employee to discuss the garnishment and the seriousness of not paying debts. The employee will be advised in writing of the specific requests of the garnishment order and a copy of the order and the letter will be placed in the employee's personnel file and a copy will be sent to the department director. Should a second garnishment be received within a one-year period, the employee will receive a written reprimand and will be advised that a third reprimand within one year will be grounds for termination.

- 17.02 No disciplinary action shall be taken against an employee based on a court-ordered assignment of his wages for child support, nor will such assignment of wages be considered wholly or in part when determining the appropriate disciplinary action for other garnishments or other violations unrelated to garnishments as provided in this policies and procedures.
- 17.03 As authorized by Tennessee Code Annotated 36-5-501, an administrative charge may be deducted from the income of any employee whose wages are subject to assignment to satisfy a court order for child support. The employee may be charged an amount up to five percent (5%) not to exceed five dollars (\$5) per month.

SECTION 18: Smoking

- 18.01 The City of Cookeville has adopted a smoke-free workplace policy, which prohibits smoking in any City-owned building or vehicle or on any city-owned equipment with enclosed cabs. For the purposes of this section, smoking means the act of burning any tobacco product, weed filler or plant of any kind in a cigarette, cigar, pipe, water pipe, or any other device.

SECTION 19: Computer and Software Policy

- 19.01 It is the policy of the City of Cookeville to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. No duplication of software or related documentation for use either on City premises or elsewhere is permitted unless authorization is obtained from licensor and from the Computer Operations Manager. Nor shall users give software to any outsider including clients, contractors, customers, etc. The Computer Operations Manager may be contacted in the Planning & Codes Department.

SECTION 20: Communications Systems Policy

- 20.01 All computer, electronic mail ("E-mail"), and telephone communication systems, including voice mail, and all communications and information transmitted by, received from, or stored in these systems are the property of the City of Cookeville. Communication by E-mail is encouraged when it results in the most efficient and/or effective means of communication. All employees are to use E-mail and internet as they would any other type of official City communication tool. The sender of E-mail messages must retain the primary responsibility for making sure that communications that are sent are received by those intended. As City property, the City has the right to access all communications and information sent over its communications systems and monitor the use of such systems at any time. **Employee's E-mail may be a public record and therefore subject to inspection under the Tennessee Public Records Act (TCA 10-7-512).**
- 20.02 While the City provides these communication sources and encourages their use, certain restrictions are necessary to avoid improprieties and to avoid possible adverse public perceptions. City information network resources are not to be used to solicit others for commercial ventures, religious or political causes. Nor shall these resources be used for illegal, harassing, libelous or obscene purposes during or outside City business hours. These resources shall not be used in any manner that would violate the property rights of others, including unauthorized copyrighted text, images or programs, trade secrets or other confidential proprietary information or trademarks or service marks used in any infringing fashion. There is to be no transmission or use of E-mail communications that contain offensive or inflammatory messages, ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, age, disability or religious beliefs or practices. Violation of this policy may result in appropriate disciplinary action.

SECTION 21: Violence in the Workplace

- 21.01 It is the intent of the City of Cookeville to provide all employees, customers, the general public, and those who have occasion to be on City property or to have contact with City employees at all levels, an environment safe from foreseeable criminal or violent attacks. When there is reasonable suspicion to believe that an employee may commit a violent act, the City has the right to search any areas on the premises for weapons including but not limited to: lockers, furniture, containers, drawers, equipment or other facilities, lunch boxes, brief cases, personal bags, personal toolboxes, or tool kits, parking lots, City and personal vehicles parked on City property.
- 21.02 While you are employed by the City of Cookeville it will be considered a most serious policy violation if you are involved to any degree in committing a criminal or violent act. The City will, within reason, do everything legally possible to prevent and detect criminal conduct, which may be a violation of the law or this policy. The City has a policy of zero tolerance for workplace violence. An employee who brings a firearm onto City property or displays any violence in the workplace or threatens violence in the workplace may be subject to immediate termination. No talk of violence or joking about violence will be tolerated.

SECTION 22: Occupational Safety and Health Program

- 22.01 The City of Cookeville is committed to the establishment and maintenance of safe and healthy work conditions and practices at each of its project locations and facilities. The concentrated effort of management and personnel is required to assure success in this endeavor.
- 22.02 City of Cookeville management assumes the responsibility for keeping abreast of and disseminating information pertaining to current laws, regulations, and standards regarding the health and safety of City employees exposed to hazardous working conditions. The steps necessary to recognize, evaluate, and control those situations likely to produce exposures to hazardous work activities will be diligently reviewed at each project site or facility. Safety programs and training will be continually provided, and will be administered and updated to assure the welfare of each employee.
- 22.03 City employees are expected to accept personal responsibility and concern for the health and safety of themselves, fellow workers, subcontractors and visitors through the knowledge of, and compliance with, the City of Cookeville's Occupational Safety and Health Manual, attending training programs, and abiding by established rules and procedures of the manual.
- 22.04 Any employee who fails to follow established health and safety plans or procedures might be subject to disciplinary action.

SECTION 23: Whistleblower

- 23.01 Under the provisions of the American Competitiveness and Corporate Accountability Act of 2002 (Sarbanes-Oxley Act of 2002) section 1107, all employees of the City of Cookeville are required to report and to assist in any investigation by City officials or any law enforcement agency concerning matters involving a violation of law, or conditions or practices that would put the health or safety of any employee at risk. This policy is intended to cover conduct by city employees, contractors on city projects and suppliers of materials or vendors to the city that could have an impact on the city, including such actions that:

- are unlawful
- are a substantial and specific danger to health and safety
- are dishonest or unethical
- involve conflict of interest
- otherwise amount to serious improper conduct

Although the employee is not expected to prove the truth of an allegation, the employee needs to provide all evidence he or she has to support the allegation to the person contacted that there are sufficient grounds for concern. Allegations found to be made with malicious intent may result in

disciplinary action up to and including termination and would not be protected under federal guidelines. Employees are encouraged to identify themselves when making an allegation of any violation in order for appropriate follow-up and investigation procedures to take place. Every effort will be made to protect the complainants' identity; however, investigation may not be possible without the source of the information being identified. All employees are on notice of that fact when they submit such a complaint or allegation. Concerns expressed anonymously will be investigated; however, consideration as to disclosure of the source will be given to:

- the seriousness of the issue raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

The City will protect employees who report, in good faith, a violation. No adverse personnel action will be taken against an employee for disclosing information on a matter of serious public concern to his/her supervisor, department director, the human resources director, the City Manager, internal or external auditors, State or Federal regulators, or law enforcement agencies.

Harassment or victimization of the complainant will not be tolerated including any form of disciplinary action, retaliation, or significant change in job responsibilities or working conditions that are not consistent with the employee's position or rate of pay. The fact that retaliation is not permitted does not in any way change the nature of the "at will" employment of all city employees.

SECTION 24: Recording of Employees

- 24.01 It shall be a violation of the City's Personnel Policies and Procedures Manual to knowingly record, or to knowingly use a recording device in such a manner likely to record a City of Cookeville employee at the workplace without that employee's consent. Recording shall be defined as any digital, electronic or manually captured audio, video or still image including, but not limited to tape recorders, digital cameras, video cameras, fixed cameras, mobile cameras and cell phone camera whether city owned or personal equipment.

This policy shall not apply to:

- a) Any recording at the workplace specifically authorized in advance by the City Manager and approved as to legality by the City Attorney.
- b) Any recordings made by safety, recording, or broadcast cameras permanently fixed at specific City of Cookeville premises.

- 24.02 Any employee who knowingly violates this policy may be subject to disciplinary action as prescribed by the Personnel Policies and Procedures Manual up to and including termination. A violation may be considered a major offense. This policy shall not apply to recordings made in disciplinary hearings or training sessions.

SECTION 25: Workplace Harassment

- 25.01 The City of Cookeville strictly prohibits harassment on the basis of race, color, religion, gender, National origin, age, or disability as such actions constitute discrimination. No City employee shall engage in harassment of any form.
- 25.02 Any City employee who believes he/she may have a complaint of harassment may follow the City's grievance procedure found in Chapter 11 in the City of Cookeville's Policies and Procedures Manual or should file the complaint within thirty (30) days of the occurrence directly with the Human Resources Director, other Department Directors or the City Manager. The City of Cookeville will conduct an investigation into any allegation of harassment. The City Manager or his designee will advise the employee of the outcome of the investigation. The City Manager will take any action he/she deems necessary to preserve the integrity of the organization and to ensure the efficiency and effectiveness of the City's operations.

- 25.03 Employees witnessing harassment shall also report such conduct to the appropriate City official. Retaliation toward any employee exercising his/her right and duty to address perceived harassment will not be tolerated.

CHAPTER 6 - Classification Plan

SECTION 1: PURPOSE

SECTION 2: ADOPTION AND ADMINISTRATION OF THE CLASSIFICATION PLAN

SECTION 3: CLASSIFICATION OF NEW POSITIONS

SECTION 4: RECLASSIFICATION

SECTION 5: POSITION AUDITS

SECTION 6: JOB DESCRIPTIONS

SECTION 7: JOB CLASSIFICATION METHODOLOGY

SECTION 1: Purpose

- 1.01 It is the purpose of the Classification Plan to provide a uniform, objective and equitable system for classifying all positions in the City and to establish parity between positions on the basis of difficulty of duties, levels of responsibilities and minimum qualifications.

SECTION 2: Adoption and Administration of the Classification Plan

- 2.01 All positions established in the City must be authorized by the city manager, including amendments thereto.
- 2.02 An organization chart, showing approved budgeted positions by official title, shall be maintained by the human resources director.
- 2.03 The human resources director is responsible for the development, maintenance, and custody of the official copy of all approved job descriptions.
- 2.04 The human resources director shall have the day-to-day responsibility for the administration and maintenance of the classification plan.
- 2.05 All maintenance and updating activities of the classification plan shall be subject to final review and approval of the city manager.

SECTION 3: Classification of New Positions

- 3.01 The human resources director shall be responsible for conducting classification studies deemed necessary and appropriate by the city manager.
- 3.02 Directors requesting the establishment of new positions shall:
 - 3.01.01 Provide the city manager with a description of duties, knowledge, skills and abilities required and other work performance requirements in sufficient detail to properly classify the position.
 - 3.01.02 Promptly notify the city manager of the need for new positions to allow sufficient time for the required classification review and study.

SECTION 4: Reclassification

- 4.01 A reclassification occurs when the actual duties and responsibilities of an established position have undergone significant redistribution of the regular workload calling for a re-evaluation of the placement of the position in the classification plan.
- 4.02 Types of reclassification include:
 - 4.02.01 An upward reclassification occurs when an action is requested, which provides that an incumbent is moved from a position in one classification to another position in a different classification when the latter has higher pay.
 - 4.02.02 A downward reclassification occurs when an action is requested which provides that an incumbent is moved from a position in one classification to another position in a different classification when the latter has a lower maximum pay.
- 4.03 The director to the city manager may request a reclassification at any time.
- 4.04 Following city manager approval, the affected incumbent shall not be required to serve a probationary period and shall retain his anniversary date.

SECTION 5: Position Audits

- 5.01 Position audits may be conducted periodically. These audits may be conducted on-site with the affected employee and/or through the utilization of a position audit questionnaire to be completed by the affected employee and his immediate supervisor.

SECTION 6: Job Descriptions

- 6.01 All job descriptions, new and revised, shall be presented to the city manager for review and final approval.
- 6.02 Job descriptions are intended to be representative of the type of work performed by the employee in that position classification. They do not necessarily incorporate all the duties performed.
- 6.03 The position title, as identified in the job description, shall be the official title of the position and shall be used for all administrative purposes, such as payroll, budget, financial and personnel forms and records.
- 6.04 No action will be taken to fill any position until a job description for that position has been written and approved by the city manager.
- 6.05 Each position shall have a written job description consisting of the following:
 - 6.05.01 Date approved
 - 6.05.02 Position title
 - 6.05.03 Responsible to
 - 6.05.04 Exempt status
 - 6.05.05 Examples of work

- 6.05.06 Position authority
- 6.05.07 Required knowledge, skills and abilities
- 6.05.08 Minimum qualifications
- 6.05.09 Pay grade
- 6.05.10 Essential functions
- 6.05.11 Safety sensitive position?

SECTION 7: Job Classification Methodology

- 7.01 The Job Classification Plan is a market driven approach to evaluating and classifying jobs.
- 7.02 An average market rate is determined for each job based on available salary survey data and/or research of prevailing pay rates among competing employers.
 - 7.02.01 The Human Resources Director will compile published data or conduct research of market pay rates as necessary.
- 7.03 The job will be assigned to the pay grade in the approved pay schedule for which the current pay range midpoint most closely matches the average market rate determined for the job.
- 7.04 If valid market data are not readily available, the Human Resources Director, in conjunction with the functional department head, may assign the job to the pay grade deemed to be appropriate based on the comparison of job responsibilities and accountability to other City of Cookeville jobs, potential career paths, and other job related factors.

Amended Feb. 1997

Amended Sept. 2000 - Section 14.02 Exempt and Non Exempt Employees

Amended Dec. 2004 - Section 5.01 Direct Deposit / Deleted Section 5.02

Amended Jun. 2014 - Section 1.03 & 1.04 Pay Plan / Section 6.02 & 6.03 Annual Merit Increases / Section 7.01 & 7.02 Pay Schedule Adjustment

CHAPTER 7 - Pay Plan and Wage Administration

- SECTION 1: PAY PLAN**
- SECTION 2: STARTING RATES OF PAY**
- SECTION 3: PAY PROGRESSION**
- SECTION 4: CHANGES IN PAYROLL STATUS**
- SECTION 5: PAYCHECKS**
- SECTION 6: ANNUAL MERIT INCREASES**
- SECTION 7: PAY SCHEDULE ADJUSTMENTS**
- SECTION 8: CLASSIFICATION STUDY ADJUSTMENTS**
- SECTION 9: PROMOTIONS**
- SECTION 10: DEMOTIONS**
- SECTION 11: TRANSFERS**
- SECTION 12: FAIR LABOR STANDARDS ACT**
- SECTION 13: RESERVED**
- SECTION 14: EXEMPT & NON-EXEMPT EMPLOYEES**
- SECTION 15: WORKDAY AND WORKWEEK**
- SECTION 16: OVERTIME POLICY**
- SECTION 17: COMPENSATORY TIME**
- SECTION 18: ON-CALL PAY**
- SECTION 19: UNEMPLOYMENT COMPENSATION**
- SECTION 20: WAGES DUE DECEASED EMPLOYEES**
- SECTION 21: SEVERANCE PAY**
- SECTION 22: SEPARATION PAY**

SECTION 1: Pay Plan

- 1.01 The pay plan is designed and established to provide a uniform, objective and equitable system for compensating City employees service; to provide comparable rates of pay for comparable work; to reward employees for superior work performance according to established merit principles.
- 1.02 The pay plan is directly related to the classification plan and shall be the basis for compensation of City employees.
- 1.03 The pay plan shall include a pay schedule comprised of pay grades and pay ranges for all positions in the classification plan.
- 1.04 It shall be the responsibility of the City Manager to approve the pay plan, including the assignment of each position in the classification plan to a pay grade and pay range in the pay schedule.
- 1.05 All employees occupying authorized regular full-time and regular part-time positions, temporary employees and employees hired on an emergency basis shall be paid in accordance with the approved rates of pay and all policies established herein for the administration of the pay plan.
- 1.06 The director shall be responsible for making recommendations to the city manager for amendments to the pay plan when, in his judgement, the duties and responsibilities of classifications; the economic conditions; the availability of labor; the prevailing wage rates; the need to classify new positions; or other considerations indicate a need for such action.
- 1.07 The human resources director, under the direction of the city manager, shall have the responsibility for the administration, updating and maintenance of the pay plan.
- 1.08 The human resources director shall be responsible for providing the city manager current salary information obtained through the Municipal Technical Advisory Service and other sources to insure that the City's plan is competitive with other cities similar in size and nature to Cookeville and with businesses and industries in the Upper Cumberland region.

SECTION 2: Starting Rates of Pay

- 2.01 The minimum pay established for a position is considered the normal appointment rate for new employees.
 - 2.01.01 The city manager may approve appointments of new employees at a higher rate of pay if the applicant's training, experience and/or other qualifications are substantially above those required.

SECTION 3: Pay Progression

- 3.01 All positions in the classification plan shall be assigned to a range which identifies a minimum and a maximum rate of pay.
- 3.02 Pay ranges are to be utilized to develop incentives among employees to improve their work quality and performance.
- 3.03 All employees shall be made aware of the policies regarding pay progression during the orientation program for new employees.

- 3.04 All pay increases and adjustments shall be reviewed and approved by the city manager before being discussed with the affected employee.

SECTION 4: Changes in Payroll Status

- 4.01 All requests for changes in pay shall be submitted by the department director on a Status Change form and submitted to the city manager for approval at least ten (10) working days prior to the beginning of the payroll period in which the change is to become effective.

SECTION 5: Paychecks

- 5.01 Effective January, 2005, all City employees will be paid by direct deposit, with the exception of their final pay check from the City.

SECTION 6: Annual Merit Increases

- 6.01 Regular full-time and regular part-time employees shall receive an annual performance evaluation on their anniversary date. New employees shall receive a performance evaluation after completing their probationary period.
- 6.02 The City Council may approve funding for potential merit increases and any market rate adjustments for the pay scale during the budget process. The City's pay plan provides for ranges within each pay grade and upon submission of a satisfactory performance evaluation, the Director may grant a merit increase.
- 6.03 An increase for exceptional/outstanding performance may be given with City Manager approval.

SECTION 7: Pay Schedule Adjustment

- 7.01 The pay schedule (pay range) is to be reviewed on a periodic basis by the Human Resources Director, Finance Director, and City Manager. The pay schedule may be adjusted periodically as necessary to ensure that the city's pay practices remain competitive with changes in labor market conditions. Normally, if an adjustment is needed, this is accomplished by increasing the pay range by some common percentage.
- 7.02 The City Council may approve funding for potential merit increases during the budget process.

SECTION 8: Classification Study Adjustments

- 8.01 The human resources director shall be responsible for conducting classification studies deemed appropriate by the city manager.
- 8.02 The finance director shall be responsible for making pay plan revisions, after approval by the city manager.

SECTION 9: Promotions

- 9.01 Promotions occur when an employee is moved from a position in one classification to another position in a different classification, which has a higher minimum and maximum salary than in the previous classification.
- 9.02 Promoted employees shall serve a six-month probationary period in their new position.

SECTION 10: Demotions

- 10.01 Employees who are demoted may be subject to a reduction in pay, as recommended by the director and approved by the city manager.
- 10.02 A demoted employee may not normally be paid more than the maximum pay established for the pay grade of the new classification, depending upon the conditions of the demotion.
- 10.03 It shall be the responsibility of the director to review and consider the circumstances leading to the demotion in determining whether to recommend a reduction in pay for a demoted employee.
- 10.04 Employees who are demoted for their inability to perform their job or those who request a demotion (to pursue another job) shall be required to serve a new probationary period.

SECTION 11: Transfers

- 11.01 Employees who receive a voluntary or involuntary transfer shall not have a change in anniversary dates.

SECTION 12: Fair Labor Standards Act

- 12.01 It shall be the policy of the City of Cookeville to strictly adhere to the provisions of the United States Department of Labor's Fair Labor Standards Act as applied to Tennessee municipalities.

SECTION 13: RESERVED

SECTION 14: Exempt and Non-exempt Employees

- 14.01 City employees are classified as either "exempt" or "non-exempt" for the purposes of determining overtime payments, in accordance with the Fair Labor Standards Act.
- 14.02 Exempt employees are not eligible for paid overtime or compensatory time without city manager approval. Exempt employees may receive overtime pay during periods of natural disaster when the Federal Emergency Management Agency (FEMA) provides reimbursement through its public assistance program.
- 14.03 Exempt employees are expected to be available to work overtime whenever necessary without additional compensation. They are, however, permitted a reasonable amount of time off for personal reasons.
- 14.04 Non-exempt employees are eligible for paid overtime

SECTION 15: Workday and Workweek

- 15.01 The beginning and ending of a workday and workweek shall be determined by the director and shall be dependent upon the work program of the department.

SECTION 16: Overtime Policy

- 16.01 The work program of each department shall be arranged to reduce situations where an employee is

required to work in excess of a normal workday, shift or workweek.

- 16.02 Overtime shall not be accrued. Eligible employees shall be paid for overtime within the same pay period in which it is worked.
- 16.03 Time spent in training and development programs shall be considered as authorized overtime work when the seminars, meetings, etc. fall outside an employee's regular work schedule, including time spent traveling to and from the seminar, meeting, etc., except for the following circumstances:
 - 16.03.01 Time spent on common carriers such as planes, buses and trains.
 - 16.03.02 When an employee is attending a seminar, meeting, etc., and an overnight stay is required, the employee, while in attendance at the seminar, shall be paid only for the hours he is regularly scheduled to work.
- 16.04 It is the responsibility of each supervisor and director to ensure that accurate records of overtime worked are calculated and maintained.
- 16.05 It is the responsibility of each immediate supervisor and director to ensure that overtime pay is authorized only for eligible employees.
- 16.06 All employees are subject to overtime work and are expected to cooperate with their director when asked to work overtime.
- 16.07 Except for emergency situations, all overtime must be approved in advance by the director or his designee. In any event, no overtime will be paid until the director has signed the employee's time card or time sheet.
- 16.08 It shall be the policy of the City to assign overtime work among all departmental employees in the most equitable manner possible.
- 16.09 Overtime will be paid at the rate of one and one-half times the employee's regular rate of pay for all hours worked over forty in any one workweek, except non-exempt employees of the Fire Department whose overtime is calculated under provisions of the Fair Labor Standards Act relating to public safety employees.
- 16.10 Overtime will be paid in quarter hour increments.

SECTION 17: Compensatory Time

- 17.01 Compensatory time is time off in lieu of a cash payment for overtime worked.
- 17.02 The City recognizes the use of compensatory time as an available method of compensating employees for overtime. However, the use of compensatory time is not recommended for general use and if used, the following rules apply:
 - 17.02.01 The employee must request, in writing, that his overtime will be compensated with compensatory time.
 - 17.02.02 Compensatory time will be allocated at one and one-half times the hours worked over 40 in any work week.
 - 17.02.03 Compensatory time given during the same workweek in which the overtime is worked will be given at the rate of one hour of compensatory time for one hour of overtime as long as the compensatory time and actual work time is no more than forty hours.

- 17.02.04 All compensatory time given after the week in which the overtime is worked will be given at the rate of one and one-half hour of compensatory time for every hour of overtime worked.
- 17.03 Accurate records of compensatory time accumulated and taken by employees are to be maintained by the director.
- 17.04 The City reserves the right to pay an employee for accumulated compensatory time when it is in the best interest of the City to do so.
- 17.05 No employees, except public safety employees and employees whose work is seasonal in nature (as defined by FSLA), shall accrue more than 240 hours of compensatory time. Public safety employees and employees whose work is considered seasonal in nature may accrue a maximum of 480 hours of compensatory time. After these maximum amounts are accrued, payment will be made for all overtime worked.

SECTION 18: On-call Pay

- 18.01 All employees who are on-call during nights, weekends and holidays, shall receive pay equal to one and one-quarter hours work at their overtime rate of pay for each twenty-four period or parts thereof which he is on-call.
- 18.02 Should the on-call employee be called out during the time in which he is on-call, he will be compensated at the rate of one and one-half times his hourly rate of pay in addition to his one and one-quarter hours of on-call pay at his overtime rate of pay.
 - 18.02.01 The on-call employee will be compensated in one-quarter hour increments for time actually worked while on call.
 - 18.02.02 The on-call employee will be compensated for the time spent on the job as well as his travel time to and from the work place.
- 18.03 Should an on-call employee fail to respond to a call to service during the time which he is on-call, he shall forfeit his base on-call pay (1-1/4 hours at overtime rate) for that particular day or time period, and he shall offer good and reasonable cause for not answering the call to service or be subject to disciplinary action.

SECTION 19: Unemployment Compensation

- 19.01 It shall be the responsibility of the human resources director to research all requests for information regarding unemployment compensation claims filed by employees separated from City employment and to report all such findings to the city manager and to respond to all such requests for information if deemed necessary by the city manager.
 - 19.01.01 The director or supervisor of the affected employee shall, if needed, assist the human resources director in collecting information for and testifying at hearings related to unemployment compensation claims.

SECTION 20: Wages Due Deceased Employees

- 20.01 Any accrued compensation or benefits of an employee, upon death, shall be paid by the City to the deceased employee's designated beneficiary or otherwise specified individual designated as a result of probate proceedings.

- 20.02 Such accrued compensation may include insurance benefits, wages, accrued annual leave compensation, deferred compensation or other compensation or benefits due the deceased employee's family and/or estate. All such payments shall be coordinated by the human resources director upon appropriate notification.

SECTION 21: Severance Pay

- 21.01 Regular full-time and regular part-time employees who are laid off due to reductions in force will be eligible for severance pay if funds are available.
- 21.02 Requests for severance pay must be made in writing by the affected employee to the human resources director through the director and approved by the city manager.
- 21.03 If approved, severance pay shall consist of and be paid according to the following schedule:

<u>Length of Service*</u>	<u>Severance Pay</u>	<u>Amount of</u>
Less than 1 year		None
1 to 5 years	regular pay	1 week
6 to 10 years	regular pay	2 weeks
11 to 19 years	regular pay	3 weeks
20 years or more	regular pay	4 weeks

* The length of service will be computed from the latest date of hire with the City and shall be adjusted to deduct any time which the employee was on leave without pay.

SECTION 22: Separation Pay

- 22.01 Separation pay shall constitute payment of accrued and unused annual leave, accrued and unused compensatory time, time worked from the end of the last pay period through the last day worked and, if the employee is retiring as defined in these policies, one-half of the employee's accrued and unused sick leave.
- 22.01.01 In no case shall separation pay to a separating employee for vacation leave be for more hours than the maximum amount of vacation leave allowed to be accrued.
- 22.02 Payment of separation pay shall be based on leave records maintained in the human resources office and/or the payroll office.

Amended April 1997

Amended September 1997

Amended August 1998 – Sections. 13.01.01 & 13.01.02 – Longevity Pay, Sect. 14.03 – Sick Leave

Amended March 1999 – Section 2.05 – Holidays

Amended November 1999 - Section 13.01.02-Longevity Pay

Amended April 2000 - Sections 6.02, 6.04, 6.10 & 14.03-Vacation and Sick Leave, Sect. 16.01-Family Medical Leave Act

Amended September 2000

Amended June 2002

Amended December 2004

Amended April 2007 – Section 2.05 deleted Holiday pay paragraph (b); Section 3.01.02 remove word “accident insurance”; Section 6.02 Employee hired after June 30, 2000 removed; Section 6.04 Employees hired after June 30, 2000 removed; Section 6.06 amended by removing 5 days notification of vacation leave; Section 6.07 amended by deleting “unless on approved Family and Medical Leave”; Section 6.09 change 1 hr increments to ½ hr increments; Section 6.10 delete reference to employees hired after June 30, 2000; Added Section 6.2 Retirement Leave; Section 14.04 change 1 hr increments to ½ hr increments

Amended August 2011 – Section 5.03, 6.03, 13.01.02, 14.08, 16.02

Amended December 2014 - Section 3.01 by adding “in compliance with the Affordable Care Act (ACA) as it currently exists and is subsequently amended; Section 3.02 by replacing “but will be at the expense of the employee” to “but will be at cost determined by the City Council and in compliance with the Affordable Care Act (ACA) as it currently exists and is subsequently amended.” Section 16 by deleting it in its entirety and replacing it with a new Section 16.

Amended July 2015 - Section 5.03 by deleting it in its entirety and replacing it with a new Section 5.03. (Implementing the Bridge Bill)

Amended June 2017 – Section 3.02 by deleting it in its entirety and replacing it with a new Section 3.02 (Addressing Part-time Insurance), Section 3.03 by deleting “Regular full-time and regular part-time” and replacing it with “employees”, Section 3.04 by adding “For employees hired on or after July 1, 2017, participation in the retiree insurance plan will terminate when the retiree reaches the age of Medicare eligibility”, Section 9 by deleting it in its entirety and replacing it with a new Section 9 (Tuition Reimbursement)

Amended June 2019 – Section 5.02 by adding employees hired after July 1, 2019 shall contribute 5% of their salary to TCRS. Section 14.03 by deleting one year and replacing it with two years regarding accumulated sick hours. Section 14.06 by deleting it in its entirety and replacing it with a new section addressing sick leave at retirement.

Amended May 2020 – Section 15 by deleting it in its entirety (Wellness Leave).

CHAPTER 8 - Employee Benefits and Programs

SECTION 1: GENERAL STATEMENT

SECTION 2: HOLIDAYS

SECTION 3: INSURANCE

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SECTION 15: FAMILY AND MEDICAL LEAVE

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SECTION 1: General Statement

- 1.01 In order to achieve its general policy to provide reasonable compensation, benefits, assurances and safeguards to its employees, the City of Cookeville has developed and maintains a comprehensive package which in addition to salary compensation, includes benefits (automatically received by eligible employees) and programs (where eligibility must be determined or where the employee must apply).
- 1.02 Regular full-time employees are eligible for all City benefits. Regular part-time employees are eligible for those benefits specifically identified.

SECTION 2: Holidays

- 2.01 The following holidays will be observed by the City of Cookeville and eligible employees will receive paid time off:
 - 2.01.01 New Year's Day
 - 2.01.02 Martin Luther King Day
 - 2.01.03 Good Friday
 - 2.01.04 Memorial Day
 - 2.01.05 Independence Day
 - 2.01.06 Labor Day
 - 2.01.07 Thanksgiving Day
 - 2.01.08 Day after Thanksgiving Day
 - 2.01.09 Christmas Eve
 - 2.01.10 Christmas Day
 - 2.01.11 Other days designated by the City Council
- 2.02 Normally, if a holiday falls on a Saturday, the holiday will be observed on Friday. If the holiday falls on a Sunday, the holiday will be observed on Monday.
- 2.03 Employees scheduled to work on a holiday will be paid their regular pay and pay for the holiday, which is based upon an equivalent day's regular pay. Employees who are not scheduled for holiday work, and are called in, shall be paid for the hours worked at one and one-half times their regular rate of pay and pay for the holiday.
- 2.04 Regular part-time employees shall be paid for holidays based on 1/2 time (4 hrs.) per day.
- 2.05 Regular full-time and regular part-time employees will receive pay for holidays providing they are on the payroll and receiving pay for the scheduled workday preceding and succeeding the holiday.
- 2.06 Any employee on leave without pay status on the day preceding or the day succeeding the holiday shall not be paid for the holiday or for any holidays occurring while in such unpaid status.
- 2.07 When a holiday occurs during an employee's paid leave, the employee will be paid for the holiday instead of using accrued paid leave.
- 2.08 Pay for a holiday shall be awarded for the day the holiday is observed according to the city council designation, which may not necessarily be the same as the official holiday.
- 2.09 Any regular full-time or regular part-time employee who is scheduled to work on a holiday and, without notice or valid reason, fails to report shall not receive pay for the holiday and may be subject to disciplinary action.
- 2.10 Temporary employees and employees appointed on an emergency basis, who may be required to work on an official holiday, shall only be paid for the hours worked at their regular rate of pay; and do not receive paid holidays.

SECTION 3: Insurance

- 3.01 Upon approval of the City Council, the City shall provide regular full-time employees with group health, dental, and life insurance at a cost determined by City Council in compliance with the Affordable Care Act (ACA) as it currently exists and is subsequently amended.
- 3.01.01 The City will pay a percentage of the total premium for dependent coverage. The percentage amount will be determined each year during the budgetary process.
- 3.01.02 Employees who leave City employment may be eligible to continue their group health, dental and life insurance under the provisions of the Comprehensive Omnibus Budget Reconciliation Act (COBRA) or under the provisions included in the City's contract with the insurance provider.
- 3.02 Employees other than full-time hired prior to 6/30/2017, shall be entitled to certain insurance coverage as allowed by the provider, but will be at a cost determined by the City Council and in compliance with the Affordable Care Act (ACA) as it currently exists and is subsequently amended. Employees other than full-time hired on or after July 1, 2017, will not be entitled to certain insurance coverage unless they are determined to be full-time equivalent employee as defined by the ACA.
- 3.03 Employees shall become eligible for all insurance benefits when they have met the requirements for participation detailed in the provider's contract with the City.
- 3.04 Upon approval of the City Council, the City shall provide a retiree insurance plan. The plan pays a portion of the health insurance premiums of retirees and their dependents. The amount paid by the City is based on the age of the employee and the number of years of service accumulated, with the minimum being fifty-five (55) years of age with (15) years of service. With thirty (30) years of service there is no minimum age requirement. For employees hired on or after July 1, 2017, participation in the retiree insurance plan will terminate when the retiree reaches the age of Medicare eligibility.
- In the event of an employee's death who would have been eligible for retirement, their spouse and dependents will be eligible for the City's retiree insurance plan. Premiums will be based on the deceased employee's years of service. The minimum service before the City will pay a portion of the premium is fifteen years.
- 3.05 The City will offer other insurance programs for the benefit of its employees as deemed appropriate by the City Council, city manager, human resources director and the finance director.
- Effective January, 2005, accumulated service, as it applies to retiree insurance only, shall be defined as the total of accumulated vacation leave, sick leave, and active employment with the City.
- 3.06 Payment for the cost of any and all insurance premiums associated with benefits or programs offered to employees of the City shall be paid through payroll deductions provided at least ten (10) per cent of the total number of City employees enroll in the program. Should enrollment fall below 10%, the program/benefit will not be eligible for payroll deduction. During open enrollment, programs/benefits may be added, if sufficient enrollment justifies doing so.

SECTION 4: Deferred Compensation Program

- 4.01 The City may secure and maintain a deferred compensation program for the convenience and benefit of its regular full-time employees.

SECTION 5: Retirement Program

- 5.01 All eligible employees, except those who are currently enrolled in the Aetna program, shall participate in the Tennessee Consolidated Retirement System (TCRS).
- 5.01.01 Eligibility in TCRS shall be determined by the terms of the agreement between the City and the administrators of the retirement program.

- 5.02 The amount paid to the retirement program(s) by the City and by the employees shall be determined by the City Council in accordance with the provisions set forth in the retirement program contract between the City and the provider. Employees hired on or after July 1, 2019 shall participate in the Tennessee Consolidated Retirement System Hybrid Pension Plan and will be required to contribute 5% of their salary to the defined benefit component.
- 5.03 All police and firefighters and employees (with the exception of the Police Chief and the Fire Chief as noted in Tennessee Code Annotated 8-36-205(3) (C) who have been transferred from such a position to a supervisory or administrative position with the police and fire department shall be mandated to retire on the first day of the month following the month in which the employee attains age sixty (60) pursuant to Tennessee Code Annotated, Section 8-36-205. These employees are eligible for the payment of the supplement bridge benefit pursuant to Tennessee Code Annotated, Section 8-36-211, and Group 1 members who have creditable service in a Group 1 position covered by such mandatory age retirement may retire on service retirement benefits upon attainment of age fifty-five (55) with twenty-five (25) years of creditable service pursuant to Tennessee Code Annotated, Section 8-36-201 (A) (2) as established by Resolution #R15-06-08. It is included as an appendix to this manual.

SECTION 6: Vacation Leave

- 6.01 Regular full-time and regular part-time employees are eligible to accrue vacation leave. Accumulation of vacation leave begins on the first day of the month, if hired on or before the fifteenth (15th) of the month. If hired after the fifteenth (15th) of the month, accumulation of vacation leave will begin the following month.
- 6.02 Accrual of vacation leave for all regular full-time employees, except non-exempt employees of the Fire Department, shall be as follows:
- | | |
|---------------|----------------|
| 0 - 9 years | 8.0 hrs/month |
| 10 - 19 years | 12.0 hrs/month |
| 20+ years | 16.0 hrs/month |
- 6.03 Regular part-time employees, except non-exempt employees of the Fire Department, shall accrue vacation leave at one-half (1/2) the rate of regular full time employees based on the years of service.
- 6.04 Accrual of vacation leave for all regular full-time, non-exempt employees of the Fire Department shall be as follows:
- | | |
|---------------|----------------|
| 0 - 9 years | 14.0 hrs/month |
| 10 - 19 years | 22.0 hrs/month |
| 20+ years | 28.0 hrs/month |
- 6.05 All vacation leave must be approved in advance by the director, and the director shall make provisions each year for vacation leave of his employees at such time as shall least interfere with efficient operations of the department.
- 6.06 (Reserved)
- 6.07 Vacation leave shall not be earned by any employee who is on leave without pay for longer than five (5) consecutive work days.
- 6.08 Vacation leave may not be taken until earned.
- 6.09 Vacation leave shall be used in a minimum of one-half (1/2) hour increments.
- 6.10 The total number of hours that may be accrued by an employee shall be limited as follows:

	<u>Full-time</u>	<u>Part-time</u>	<u>Fire Dept</u>
0 – 9 years	160 hours	80 hours	240 hours
10 – 19 years	240 hours	120 hours	360 hours
20+ years	320 hours	160 hours	480 hours

- 6.11 Employees who have accrued more vacation leave than allowed in Section 6.10, will have the excess vacation leave transferred to their sick leave accrual on December 31 of each year.
- 6.12 Retirement Leave is leave taken by the employee who is eligible for retirement. Immediately prior to retirement, employees who are granted retirement leave have the option to receive a lump sum payment for accumulated vacation leave or they may take their accumulated vacation and continue to be on the payroll and be paid on a bi-weekly basis until all vacation leave is used. If the option to receive payment on a bi-weekly basis is chosen, the employee will cease to accumulate additional vacation or sick leave and will be required to pay health insurance premiums as if retired.

SECTION 7: Work Breaks

- 7.01 A maximum of two 15-minute paid breaks may be taken by an employee during each shift.
- 7.02 A work break is paid time and is never a valid reason for failure or refusal to carry out assigned duties.

SECTION 8: Conferences

- 8.01 In accordance with the policy of the City to encourage skill improvement and advancement, City employees may, at the discretion of their respective director, be granted leave with pay from City duties to attend professional and technical training sessions, institutes, conferences or other job-related meetings. Specific guidelines regarding attendance include:
- 8.01.01 Reimbursement for travel and expenses incurred in the course of attending approved conferences, meetings, etc., shall be paid according to existing City policy for mileage and per diem at that time.
- 8.01.02 Overtime payment for attending a conference or meeting, etc. will not be approved, except as stated in Chapter 7, Section 16.
- 8.01.03 Approved leave for conference attendance shall not be deducted from the affected employee's accrued vacation, sick, compensatory or other leave with pay.
- 8.01.04 Employees participating in such training and development programs may, at the discretion of the City, be required to instruct other City employees in the material presented and/or concepts learned in specific training sessions attended.
- 8.01.05 Prior approval by the city manager shall be required in accordance with the City's travel policy (Chapter 5, Section 12).

SECTION 9: Tuition Refund

- 9.01 An employee who desires to continue their education, in addition to performing their job, shows a commitment to improving themselves and their position within the City. To encourage and reward these individuals, the City offers a tuition refund program.
- 9.02 The City shall reimburse full-time employees for maintenance fee expense only, for approved college courses or special training. Effective July 1, 2017, the maximum reimbursement, for any fiscal year, is \$3,000.00. Courses that are offered at no cost or funded by another source are not eligible. Reimbursement requirements are:

- a. Completion of at least one year of service with the City.
- b. Completion of the Request for Tuition Assistance and Request for Reimbursement forms.
- c. Approval of department director, human resources director and city manager approval prior to enrolling.
- d. Receiving a grade of "C" or above (employee to present transcript).
- e. Submitting appropriate maintenance fee (cost of class) receipts.

9.03 Classes should be taken after normal working hours or on-line.

9.04 Reimbursement exceeding amounts allowed under IRS regulations, per CALENDAR YEAR, are considered taxable income and shall be reported through the Accounting Department as taxable wages.

SECTION 10: Professional Licenses, Memberships and Continuing Professional Education

10.01 It shall be the policy of the City to provide, at City expense, the cost of professional licenses, professional continuing education and professional certifications and memberships when it can be shown to be of benefit to the City and with city manager approval.

10.02 The department director shall submit requests for pay of professional licenses, memberships, certifications and continuing education, along with recommendations for approval, to the city manager.

SECTION 11: Employee Service Award Program

11.01 This program is designed to recognize and express appreciation to all regular full-time and regular part-time employees who have completed five (5) or more years of service to the City.

11.02 The human resources director shall determine the total service credit for eligible employees. It is not necessary that service be continuous to receive credit. Regular part-time service receives equal credit on an equal basis with regular full-time service and is not to be prorated. All period of paid leave are included in the calculation of service credit. Periods in which an employee is on leave without pay status are not included nor are periods of temporary employment.

11.03 The service awards shall be given by the mayor or his/her designee in recognition of each five (5) years of service to the City.

SECTION 12: Uniforms

12.01 It shall be the policy of the City to establish and maintain an equitable uniform policy for all employees who are required to wear City-owned/furnished uniforms in the performance of their official duties.

12.02 Each director shall develop and maintain a policy, approved by the city manager, on providing uniforms for the employees of his department.

SECTION 13: Longevity Pay

13.01 Each regular full-time employee of the City who has completed five (5) years of service as of July 1 of each year shall be entitled to receive a lump sum longevity payment in accordance with the following formula:

13.01.01 An employee who has reached his/her fifth (5th) anniversary of employment as of July 1 shall receive an amount fixed by the City Council for each year of service or five (5) times the amount set by Council.

13.01.02 The maximum payment for any employee shall be for thirty (30) years of service or thirty(30) times the amount set by Council for each year of service.

- 13.02 The lump sum payment shall be made in November of each year. The retiring employee will receive longevity for the calendar year they retire.

SECTION 14: Sick Leave

- 14.01 Sick leave is an approved absence, with pay, which shall be considered a benefit and privilege and not a right for the employee to use at his/her discretion. Use of sick leave on a false claim shall be cause for disciplinary action. Any sick leave taken in excess of three (3) consecutive working days may require medical documentation.
- 14.02 All regular full-time and regular part-time employees are eligible to accrue sick leave. Accumulation of sick leave begins on the first day of the month, if hired on or before the fifteenth (15th) of the month. If hired after the fifteenth (15th) of the month, accumulation will begin the following month.
- 14.03 Regular full-time employees, including employees of the fire department, hired after June 30, 2000, may accumulate sick hours equivalent to the number of hours in a regular work shift multiplied by the number of workdays in two years. Part-time employees may accumulate sick hours equivalent to ½ of the amount allowed for a regular full-time employee.
- 14.04 Sick leave may be used in no less than one-half (1/2) hour increments for: non-occupational illness or injury, exposure of employee to a contagious disease, serious illness of an immediate family member, personal appointments with a doctor, dentist or other recognized medical practitioners.
- 14.05 Sick leave may also be used as bereavement leave. Up to three days of sick leave may be approved for an employee to attend the funeral of a family member. Additional sick leave days may be approved by the city manager.
- 14.06 Each employee, upon reaching retirement, shall have the following options regarding their sick leave accumulation:

For employees hired prior to July 1, 2000:

- a. Using the formula shown in Section 14.07, receive pay (at the current rate) for one-half (1/2) the total number hours accumulated and one-half (1/2) credited toward retirement.
- b. All to be credited toward retirement.

For employees hired between July 1, 2000 and June 30, 2019:

- a. Using the formula shown in Section 14.07, receive pay (at the current rate) for one-half (1/2) the total number of hours accumulated not to exceed six (6) months of pay.
- b. All or remaining hours will be credited toward retirement.

For employees hired on or after July 1, 2019:

- a. All accumulated sick hours will be credited toward retirement (no cash payment).

- 14.07 Upon retirement, sick leave pay for salaried employees shall be computed by using the following formula: (a) multiply the total number of hours accrued by .5; (b) multiply the results of step (a) by the employee's current hourly wage to get the sick leave payment.
- 14.08 If eligible for retirement with the City, sick leave accumulation benefits and options will pass to the designated beneficiary in the event of an employee's death.
- 14.09 Employees separating from the City, for any reason, prior to retirement, will not receive any compensation for accrued sick leave.

SECTION 15: Family and Medical Leave

- 15.01 The Family and Medical Leave Act (FMLA) of 1993 that both male and female eligible employees (those who have worked at least 12 months for the City and who have worked at least 1,250 hours) be provided up to a total of twelve (12) work weeks of leave per year for the following reasons:
- a. For the birth and care of the newborn child of the employee (Special rules apply for husbands and wives employed by the City);
 - b. For placement with the employee of a son or daughter for adoption or foster care;
 - c. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
 - d. Medical leave when the employee is unable to work because of a serious health condition;
 - e. To care for an immediate family member (spouse, son, daughter or parent) injured while on active duty if that injury renders the service member unfit for military duty;
 - f. To handle a "qualifying exigency" relating from an employee's spouse or child being called to active duty.
- 15.02 Family Medical Leave may be paid or unpaid. Family and Medical Leave runs concurrently with paid time off (i.e. sick, vacation time). If the employee has the time available he/she may be paid. If the employee does not have the time available or he/she exhausts paid time while out on Family Medical Leave, the remainder of the approved leave will be unpaid. During periods of unpaid leave, an employee may not accrue any additional leave. Family and Medical Leave is leave without pay. Leave without pay is defined in Chapter 9, Section 9.
- 15.03 The year or "twelve month period" during which an employee may take his/her 12 weeks leave is defined as "the twelve month period measured forward from the date an employee's first FMLA leave begins". Family Medical Leave shall be used in a minimum of one-half (1/2) hour increments.

SECTION 16: Flower and Gift Fund

- 16.01 The purpose of the flower and gift fund is to insure that employees and their families are recognized in an equitable manner during certain personal moments, such as death, illness, marriage, birth or retirement.
- 16.02 All employees who wish to participate in the fund may do so through payroll deduction for a nominal amount set by the flower and gift fund committee.
- 16.03 The flower and gift fund committee members (a representative from each department) shall serve three-year terms and shall elect a chairman, vice-chairman and secretary. The committee shall establish rules and provide reports as needed.
- 16.04 The finance director or his/her representative and the human resources director shall serve as ex officio members of the committee.

Amended September 1997

Amended August 1998 – Section 7.03 – Occupational Disability or Injury Leave

Amended November 1998 – Section 5.01 – Military Leave

Amended October 2004-Section 5.02-Military Leave

Amended September 2007 – Section 5.01 Military Leave

Amended December 2014 - Section 6 by deleting the reference to “female” and “her” and referring to the Family and Medical Leave Act (FMLA) for Maternity Leave.

CHAPTER 9 - Attendance and Leave

SECTION 1: REPORTING/REQUESTING LEAVE

SECTION 2: TARDINESS

SECTION 3: SCHEDULING VACATION LEAVE

SECTION 4: HOLIDAYS OR ILLNESS DURING VACATION LEAVE

SECTION 5: MILITARY LEAVE

SECTION 6: MATERNITY LEAVE

SECTION 7: OCCUPATIONAL DISABILITY OR INJURY LEAVE

SECTION 8: MODIFIED OR LIGHT DUTY

SECTION 9: LEAVE WITHOUT PAY

SECTION 10: EMPLOYEE LEAVE SHARING PROGRAM

SECTION 11: TIME CARDS AND TIME SHEETS

SECTION 12: JURY DUTY AND WITNESS DUTY

SECTION 13: VOTING

SECTION 1: Reporting/Requesting Leave

- 1.01 It shall be the responsibility of the employee to submit a leave request to his director and obtain prior approval for all leaves except unplanned sick leave.
- 1.02 It is the responsibility of the affected employee to contact his director or supervisor to advise of his inability to report for work.
 - 1.02.01 Any employee who cannot report to work at his scheduled time shall notify his supervisor or director prior to the beginning of the shift.
 - 1.02.02 Should an employee not be able to reach his supervisor or director prior to the beginning of the shift, for whatever reason, it is the employee's responsibility to notify his supervisor or director as soon as possible after the shift begins.
 - 1.02.03 An employee's failure to notify his supervisor or director, about his absence before the end of the shift he was scheduled to work, may result in disciplinary action. However, the director shall use his discretion in disciplining the employee if extenuating circumstances exist.
 - 1.02.04 Should an employee fail to notify his supervisor or director of his inability to report for work two times within a three month period, the affected employee may be considered by the City to have resigned without notice and may be terminated from City employment.

SECTION 2: Tardiness

- 2.01 All employees are expected to report for work at the scheduled time.
- 2.02 If any employee fails to report for work on time and such time exceeds 15 minutes, it shall be at the director's or supervisor's discretion to determine whether such time shall be made up by the employee or if the employee's pay will be docked for an amount of time equal to the time he was late.
- 2.03 Excessive tardiness shall be defined as being late for work two or more times during one pay period and may result in disciplinary action by the director or supervisor.

SECTION 3: Scheduling Vacation Leave

- 3.01 Each employee will be given the opportunity to schedule his vacation based on position and seniority.
- 3.02 All employees are strongly encouraged to use vacation leave in the year in which it is earned. Employees responsible for financial transactions and accounting (Collections, Payroll, Finance, Accounts Payable, Inventory Control, Taxes, etc.) must take at least one week (five consecutive days) of vacation leave each calendar year.
- 3.03 It shall be the responsibility of the department director to closely monitor the vacation leaves of the employees of his department.

SECTION 4: Holidays or Illness During Vacation Leave

- 4.01 Holidays occurring while an employee is on approved vacation leave shall not be charged against his vacation leave
- 4.02 Any regular full-time or regular part-time employee who becomes ill or suffers injury while on approved vacation leave may submit a request to the director that such absence be charged to his sick leave balance rather than his vacation leave balance.
 - 4.02.01 The policies governing the use of sick leave as outlined in Chapter 8 shall be used in determining eligibility for the use of sick leave in this situation.

SECTION 5: Military Leave

- 5.01 In accordance with TCA 8-33-109, a leave of absence with pay, not to exceed twenty (20) working days in any one year, will be granted to employees who are members of the reserve components of the Armed Forces of the United States, including members of the Tennessee National Guard, for periods they are engaged in the performance of duty or training activities in the service of the State or the Federal Government while under competent orders. Holidays and scheduled off duty days do not count toward the twenty (20) days allowed. During the period of approved paid military leave the employee incurs no loss of service time and continues to earn regular annual leave and sick leave. There shall be no loss of rights or benefits to which the employee is otherwise entitled. Subject to the twenty day maximum, military leave with pay will be granted when an employee is scheduled for weekend work when he/she is also required to attend a weekend drill pursuant to orders issued by the unit commander.
- 5.02 All employees who are members of the reserve components of the Armed Forces of the United States, including members of the Tennessee National Guard, for periods that they are engaged in the performance of duty in the service of the State or Federal Government, while under competent orders, shall earn one day of vacation leave and one day of sick leave per month during their tour of duty.

SECTION 6: Maternity Leave

- 6.01 Maternity leave will be granted in accordance with TCA 4-21-408. Maternity leave shall be granted to employees upon written request filed by the employee to their immediate supervisor and department director, for a period not to exceed four (4) months for pregnancy, child birth and nursing the infant.

An employee shall give at least a three (3) months advance notice of their anticipated date of departure for maternity leave, their length of maternity leave, and their intentions to return to work after maternity leave (emergency conditions may prohibit filing of such notice, in which case it shall be filed as soon as possible).

Maternity leave will follow the provisions of the Family and Medical Leave Act (FMLA) (Chapter 8, Section 16)

Upon returning to work, a written statement signed by the employee's treating physician giving the employee permission to return to work should be presented to the employee's supervisor and department director.

SECTION 7: Occupational Disability or Injury Leave

- 7.01 All employees compelled to be absent from duty because of an injury sustained in the course of their employment with the City, when the injury is determined to be compensable under the provisions of the Workman's Compensation Act, shall be granted occupational disability or injury leave. Such leaves shall be granted for periods of three months or less, and shall not be extended unless expressly authorized by the city manager.
- 7.02 Regular part-time and regular full-time employees on occupational disability leave shall receive full pay from the city for the first three calendar months following the date of the injury, provided that the injury or disability is determined to be compensable under the provisions of the Workman's Compensation Act, and provided that:
- 7.02.01 The employee completed required forms in accurately reporting the accident;
- 7.02.02 The employee was using the appropriate safety equipment at the time of the accident and was in compliance with all other relevant City and departmental safety rules and regulations at the time of the accident;
- 7.02.03 The total amount of monies paid the employee each pay period shall not exceed the full pay which the employee would have received for such period at his regular straight-time pay rate in effect as of the date of injury, had he remained on the job.
- 7.03 After the initial three-month period, employees may continue to receive full salary by charging that portion of lost time not covered by Workman's Compensation to his/her sick or vacation leave.
- 7.04 Any condition which is self-inflicted or is caused by another person for reasons personal to the employee and not because of his employment shall not be considered as a service connected disability under this provision even though the injury occurred at the work site.
- 7.05 Sick leave and vacation leave shall continue to accrue at the employee's regular rate while he is on occupational disability or injury leave.
- 7.06 Employees shall report immediately ANY injury incurred in the course of their employment, however minor, to their supervisor or director. Any on-the-job injury requiring medical treatment will require that a Tennessee Employers Report of Work Injury form (C-20) be completed by the supervisor and submitted to the human resources department.

- 7.07 In all cases of occupational disability, the responsibility for determining character, degree, potential duration, and any corrective measures that may be necessary shall rest with the licensed, practicing, medical doctor(s) designated by the human resources director. Such medical doctor(s) will make periodic examinations, progress reports and recommendations as may be required by the human resources director.
- 7.08 Occupational disability and injury leave shall be canceled and the employee will be required to return to work upon the recommendation of the attending physician.
- 7.09 The human resources director shall present a written, monthly report to the city manager regarding the status of all employees who are on paid or unpaid leave due to occupational disability or injury during the month.

SECTION 8: Modified or Light Duty

- 8.01 In the event of a job-related injury, illness or any other medical condition which limits an employee's capability to fully perform all the essential functions of their job, the City shall attempt to make reasonable accommodations for the employee to return to work and perform modified or light duty. Employees will perform duties that will not violate medical restrictions placed on them by their treating physician. Reasonable accommodation may include a job adjustment or a temporary transfer of the employee to another job within the department, or to another department. This program is designed for use on a temporary basis and employees so assigned will continue to be paid by their regular department at their regular rate of pay.

SECTION 9: Leave Without Pay

- 9.01 Upon recommendation of the immediate supervisor and with the appropriate approval(s), leave without pay, not to exceed twelve (12) calendar months (except for military leave without pay), may be granted. Only regular full-time and regular part-time employees who have satisfactorily completed six months of continuous acceptable service; who are in good standing may request leave without pay because of disability, sickness or other sufficient reasons.
- 9.02 Eligible employees shall have used all applicable leaves with pay prior to submitting a completed Request for Leave form asking to be placed in leave without pay status.
- 9.03 Department directors shall ensure that the granting of leave without pay will not be detrimental to the department or other employees.
- 9.04 Leave without pay shall be effective from the first workday the employee's leave with pay ends through the last working day the employee is absent in a leave without pay status.
- 9.05 It is the employee's responsibility to make the proper arrangements, with the benefits coordinator, for premium payments for insurance and other benefits. If proper arrangements are not made, insurance coverage and benefits will be dropped at the beginning of the next pay period.
- 9.06 Leave without pay shall be reflected on the official payroll time sheets submitted by each department and employees on leave without pay status shall not accrue any vacation, sick leave or other leaves with pay, nor shall they be eligible for holiday pay.
- 9.07 Upon approval of leave without pay, the director will discuss with the employee whether the employee shall be entitled to his previous position upon return or to another position, when available.
- 9.08 Leave without pay shall not be granted to allow an employee to engage in private business or to accept outside employment, whether part-time, temporary or regular.

- 9.09 Unless a prior extension of leave without pay has been granted, the affected employee must return to work upon the expiration of the leave or be considered as having voluntarily resigned.

SECTION 10: Employee Leave Sharing Program

- 10.01 Employees may donate, in eight (8) hour increments, all or part of their accrued vacation time in excess of one week (40 hours) to another employee who is on leave because of an extended illness or injury (not job related) and who has no accrued sick or vacation leave.
- 10.02 Department directors will assess each situation/request and will be responsible for notifying the other City departments when one of their employees needs time donated.

SECTION 11: Time Cards and Time Sheets

- 11.01 All non-exempt employees shall be required to submit a time card or time sheet to their supervisor for each pay period which accurately reflects time worked and days absent due to paid or unpaid leave.
- 11.02 Each department director will be responsible for submitting to the Finance Department the appropriate records indicating time worked, leaves taken, etc., on all employees.

SECTION 12: Jury Duty and Witness Duty

- 12.01 The City of Cookeville recognizes the responsibilities of its employees as citizens. Therefore, it is the policy of the City to grant regular part-time and regular full-time employees leave with pay for the purpose of serving on a jury or attending court as a witness under subpoena.
- 12.02 Any compensation, except mileage, received for serving on a jury or as a witness will be given to the Finance Director and the affected employee will receive his/her regular pay.
- 12.03 Leave with pay for court attendance shall not be granted when the employee is the defendant or is engaged in personal litigation, unless such litigation is the result of actions affecting or regarding the City.

SECTION 13: Voting

- 13.01 The City of Cookeville encourages its employees to vote in all elections. Each department director will schedule time off with pay for employees to go vote when it is not possible for them to vote during off-duty time.

CHAPTER 10 - Disciplinary Action

SECTION 1: INTRODUCTION

SECTION 2: ADMINISTRATIVE LEAVE

SECTION 3: TYPES OF DISCIPLINARY ACTIONS

SECTION 4: TYPES OF OFFENSES - MAJOR & LESSER

SECTION 5: GUIDELINES FOR SELECTING DISCIPLINARY ACTION

SECTION 6: PROCEDURES FOR IMPLEMENTING

SECTION 7: CLEARING OF RECORDS

SECTION 1: Introduction

- 1.01 It is the intent of the City that effective management and supervision, and good employee-employer relations, will prevent most situations requiring disciplinary actions.
- 1.02 All disciplinary action shall be taken within the times prescribed herein, except that the disciplinary action period may be extended when the supervisory and/or management personnel required to make a decision are on approved leave or on official city business. The affected supervisor and/or management personnel shall render a decision on the disciplinary action within five (5) work days after returning to work.
- 1.03 It shall be the responsibility of the immediate supervisor/director to:
 - 1.03.01 Identify and recognize employee offenses against or contrary to the City's policies and procedures and/or departmental operating procedures. (See Section 4 - Examples of Offenses).
 - 1.03.02 Document, initiate and select appropriate preventive and corrective disciplinary measures.
 - 1.03.03 The human resources director is to receive completed copies of all official disciplinary actions taken against any employee.
 - 1.03.04 Insure that due process is given to employees during disciplinary actions.
 - 1.03.05 Insure that employees who have been placed on probation or suspension will not be awarded merit pay increases except those that are the result of Accident Review Board recommendations.
- 1.04 It shall be the responsibility of the employee for the payment of all voluntary payroll deductions, should he/she be suspended, without pay, for more than five (5) work days.

SECTION 2: Administrative Leave

- 2.01 Administrative leave is time from work, with pay, for an employee who is suspected of violating a City policy, rule, regulation or procedure for which disciplinary action is being considered.
- 2.02 Administrative leave may serve as interim action to:
 - 2.02.01 Provide adequate time for an investigation of an offense that could result in disciplinary action.
 - 2.02.02 Provide time to obtain written, signed statement(s) from the affected employee.
 - 2.02.03 Provide time to allow for careful and supported determination.
 - 2.02.04 Provide time for a cooling off period before action is taken.
- 2.03 The director, with a recommendation from the supervisor, will administer administrative leave. No more than three (3) days leave is to be given without advance city manager approval.
- 2.04 With a recommendation from the department director, the city manager may extend the administrative leave time.
- 2.05 The director shall be responsible for determining if City property assigned to the affected employee will be returned during the administrative leave.
- 2.06 Administrative leave time shall not be deducted from the employee's accrued vacation or sick leave time.
- 2.07 The director shall be responsible for notifying the human resources director that the affected employee is on administrative leave.
- 2.08 Once a determination has been made by the director that administrative leave is the appropriate action to be taken, the director shall:
 - 2.08.01 Inform the affected employee that he is being placed on administrative leave and when the leave is to begin and end.
 - 2.08.02 Inform the affected employee of the reason for the leave.

SECTION 3: Types of Actions

A single disciplinary action may be appropriate or a combination of actions, depending upon the circumstances. Acceptable disciplinary actions include but are not limited to:

- 3.01 Verbal Warning

Whenever an employee's performance, attitude, work habits, or professional conduct fall below a desirable level, the supervisor shall inform the employee. A verbal warning shall be administered by the immediate supervisor. (See Section 6.01 - Procedures for Implementing Verbal Warning)
- 3.02 Written Reprimand

A written reprimand should be administered when: less severe disciplinary action has been unsuccessful, the employee has not made an effort to correct behavior, an initial serious offense is committed, or repeated minor offenses have been committed. The supervisor shall administer and document reprimand with department director and city manager approval. (See 6.02 - Procedures for Implementing Written Reprimand or Probation).

3.03 Probation

An employee may be placed on probation when their performance is, or becomes, less than acceptable. A specific time to improve will be established. The supervisor should initiate this disciplinary action with approval of the department director and the city manager. The placement of an employee on probation under this provision requires the completion of a performance evaluation review, recommended corrective action and a discussion with the employee. (See 6.02 - Procedures for Written Reprimand or Probation)

3.04 Suspension

Suspension is disciplinary time away from the job, usually without pay. With city manager approval, the department director shall administer and document the necessary action to be taken. The city manager will determine, on an individual basis, the amount of time of each suspension. (See 6.03 - Procedures for Suspension). Accrued leave (vacation/sick) cannot be used to supplement pay or time for disciplinary time away from the job (suspension without pay).

3.05 Demotion

A demotion is the downward movement of an employee, in either job classification or salary or both. A demotion may be the appropriate disciplinary action when an employee's performance is, or becomes, less than acceptable, or a major offense is committed or repeated minor offenses are committed. The supervisor should initiate this disciplinary action with approval of the department director and the city manager. (See 6.03 - Procedures for Demotion)

3.06 Termination

Termination is the most serious and the most severe disciplinary action. With city manager approval, the department director shall administer and document each step in the termination process. Termination actions will be initiated by the director if:

The violation is a major offense, or there are repeated offenses and all other disciplinary actions have been unsuccessful, or an employee has failed to take corrective action identified in other disciplinary actions. Suspension actions frequently precede termination actions. (See 6.03 - Procedures for Termination).

SECTION 4: Types of Offenses

4.01 Major Offenses

The following examples of major offenses are not inclusive but do represent the most obvious offenses that will not be condoned. Major offenses are serious violations of the City's policies and procedures, and termination is generally appropriate without regard to the employee's length of services, prior conduct and performance.

Insubordination Examples: Failure, or unreasonable delay, in carrying out specific instructions given by the supervisor; blatant disregard of supervisory instructions; or failure to cooperate with supervisory directions.

Physical Harm or Assault Examples: Assault on or inflicting bodily harm on another employee, supervisor or member of the public. Assault is a threat or an aggressive act or improper language directed toward another employee, supervisor or member of the public.

Theft of Pilfering Examples: Possessing, taking, removing, destroying or tampering with City property without proper authorization.

Malicious or Willful Destruction or Abuse of City Property Examples: Willful or malicious destruction, negligence or abuse of City property, equipment or facilities.

Fraud or Dishonesty Examples: Falsification of City records or record keeping, including but not limited to employment applications, attendance records, payroll records or purchasing activities.

Drug/Alcohol Abuse Examples: Using alcohol and/or controlled substance or being under the influence of same on City property and/or while acting within the scope and course of employment. Possession or sale of alcohol or controlled substances on City property and/or while acting within the scope and course of employment.

Violations of Law Examples: Pleading guilty or nolo contendere to a felony or a job related misdemeanor; being found guilty of a felony or job related misdemeanor; or failure to notify supervisor or director that information has been filed against him by a prosecuting official.

Conflict of Interest Examples: Beginning or maintaining an outside personal or business relationship that affords financial benefits to the employee, or securing an advantage by using goods, services or influence due to the position of the employee with the City.

4.02 Lesser Offenses

Lesser offenses are generally instances of improper conduct, requiring a lesser degree of disciplinary action for the first offense. However, a single offense does not preclude termination, depending upon the circumstances of the offense. Lesser offenses include but are not limited to the following:

Horseplay Examples: Pranks resulting in physical harm or property damage.

Misconduct Examples: Gambling on City time and/or property; smoking in restricted areas; rudeness or acts of disrespect to the public.

Absenteeism and Unauthorized Absences Examples: Habitual absences from work.

Tardiness Examples: Failure to be present at the beginning of the workday/work shift, after breaks or meal periods or when work assignments are being issued.

Leaving Assigned Work Area Examples: Except in an emergency, leaving assigned area or work site without approval of the supervisor.

Misuse of City Time Examples: Sleeping or other acts of inattention or neglect of duty.

Abuse or Violation of City Policies Examples: Abuse or violation of City policies, departmental operating policies or procedures, or otherwise established rules and regulations not considered major offenses.

Safety Violations Examples: Failure to observe City safety practices and rules.

Illegal Driving Examples: license has expired, or has been denied, restricted, revoked or suspended during employment, where having a valid driver's license is a condition of employment; failure to notify supervisor that license has been denied, expired, restricted, suspended or revoked, where having a valid driver's license is a condition of employment; or driving a private or City vehicle while on City business while not possessing a valid driver's license.

Nepotism Examples: Hiring an immediate family member of a current employee to work in the same department.

False Statements Examples: Making intentionally false statements, either verbally or in writing, about the City, other employees, themselves, supervision or work situations.

Harassment of Other Employees Examples: Physically or mentally harassing another employee.

Unauthorized Outside Employment Examples: Failure to obtain appropriate approval to participate in, or continue to participate in, employment other than the City.

Personal Use of City Property Examples: Personal use of City owned equipment, materials, tools and/or supplies.

Promotion of Private Business Examples: Promotion of private business for gain within City buildings or property, or on City time.

Unauthorized Acceptance of Gifts or Gratuities Examples: Employee acceptance of loans, advances, gifts, gratuities, favors and/or entertainment from a supplier, bidder, or other parties doing business or having an interest in/with the City other than allowed in Chapter 5, Section 3.03.

Personal Mail/Telephone Calls Examples: Receiving an excessive amount of personal calls or personal mail while on City compensated time. Excessive is that which has a significantly negative impact on the specific work operation of the employee.

Incarceration Examples: Failure to notify supervisor of incarceration for an offense, charge or alleged crime, within a reasonable period of time.

SECTION 5: Selecting Method of Disciplinary Action

The following guidelines are to be used when considering and selecting the most appropriate and effective type of disciplinary action:

- 5.01 There can be no formula for the application of discipline except in the case of major offenses.
- 5.02 For major offenses, termination is the appropriate disciplinary action.
- 5.03 For most lesser offenses, the least severe action shall be normally appropriate for the first offense. The first steps shall be rehabilitative in nature and less formal.
- 5.04 Lesser offenses shall justify more progressively stringent corrective disciplinary action until the employee recognizes the necessity for correcting the deficiency or, failing this, termination is appropriate.
- 5.05 In determining the best course of disciplinary action to achieve a positive, permanent change in conduct by the employee, the supervisor shall consider the following in each individual case:
 - 5.05.01 The seriousness and circumstances of the particular offense.
 - 5.05.02 The employee's record, his length of service and his performance and disciplinary records.
 - 5.05.03 The lapse of time since the employee last received disciplinary action and the frequency of the problem.
 - 5.05.04 City/department practice in similar cases.
 - 5.05.05 Prior efforts to advise the employee of the problem.
 - 5.05.06 Impact on the employee and implications for other employees.
 - 5.05.07 Available justification and objective documentation to support the action, given an appeal.

SECTION 6: Procedures for Implementing Disciplinary Action

6.01 Verbal Warning

- 6.01.01 The supervisor shall advise the employee that the action is a verbal warning and explain the offense.
- 6.01.02 The supervisor shall inform the affected employee of possible consequences if the undesirable conduct continues. The supervisor shall detail the corrective action to be taken.
- 6.01.03 The supervisor shall make a note of the discussion, including such things as the time and date of the offense and discussion, corrective measures, number of verbal warnings for this offense. These notes are to be kept by the supervisor.

6.02 Written Reprimand or Probation

- 6.02.01 The supervisor shall complete and sign the Disciplinary Action Form.
- 6.02.02 The supervisor shall obtain the approval and signature of his director and the city manager. When the director is the supervisor completing the Disciplinary Action Form, he shall obtain the approval and signature of the city manager. When the city manager is the supervisor completing the Disciplinary Action Form, no other signatures and approvals are necessary.
- 6.02.03 The supervisor shall conduct a disciplinary action interview and discuss the offense with the employee.
- 6.02.04 The supervisor shall advise the employee of the specific disciplinary action that will be given and shall emphasize the seriousness of the problem.
- 6.02.05 The supervisor must cite previous corrective action (if any) and/or informal discussions relating to the offense.
- 6.02.06 The supervisor shall identify the problem and/or explain the offense.
- 6.02.07 The supervisor shall inform the affected employee about the consequences of continued undesirable conduct or performance.
- 6.02.08 The supervisor shall inform the employee of the corrective action to be taken and the date by which this action is to be taken. The supervisor shall inform the employee of the date and time of a follow-up meeting.
- 6.02.09 The affected employee should sign the Disciplinary Action Form as acknowledgment of receipt. Should the affected employee refuse to sign the disciplinary action form acknowledging receipt, the supervisor will obtain a witness to sign and date the form and so indicate the employee's refusal to sign.
- 6.02.10 At the conclusion of the discussion, the supervisor shall make notations on the Disciplinary Action form regarding the interview and any comments the employee made.
- 6.02.11 When the discipline is administered and discussion is completed, the original of the Disciplinary Action form shall be forwarded to the human resources department. The Disciplinary Action form will be placed in the employee's personnel file and a copy will be given to the affected employee.

6.03 Suspension, Demotion or Termination

The following procedure shall be used when it has been determined by the supervisor and the director that previous disciplinary action has not produced the desired result or that a single offense has occurred which is serious enough to consider a suspension, demotion, or termination as the proper disciplinary action:

- 6.03.01 The director shall notify the city manager in writing that a disciplinary hearing is scheduled. The notice shall include the employee's name and the reason for the hearing.
- 6.03.02 The director shall notify the affected employee of the hearing. The notification shall be in writing and shall include the date, time and place of the hearing and the reason for the hearing.
- 6.03.03 The director and supervisor shall conduct the hearing with the assistance of the human resources director, if desired. The hearing shall be conducted as follows:
 1. The affected employee will be told the specific rule, policy, procedure or regulation which was violated.
 2. The affected employee will be told why his action(s) has resulted in the consideration of disciplinary action.
 3. The employee will be told of previous corrective actions that were taken to correct this violation, if any.
 4. The employee shall be given the opportunity to give his side of the story.
 5. The employee shall be told when to report back for the disciplinary action decision.
- 6.03.04 The supervisor, director and human resources director, if he was involved in the hearing, shall recommend the appropriate action to the city manager.
- 6.03.05 If suspension, demotion, or termination is the method of disciplinary action selected and approved by the city manager, the director, supervisor and other appropriate persons shall meet with the affected employee. The following steps will be taken:
 1. The employee will be told the results of the disciplinary hearing.
 2. The employee will be told the effective date of the suspension.
 3. A Disciplinary Action form will be completed with notations about the interview and any comments made by the employee.
 4. The affected employee will sign the Disciplinary Action form at the conclusion of the meeting. Should the affected employee refuse to sign the form acknowledging receipt, a witness shall sign and date the form and so indicate the employee's refusal to sign.
 5. The affected employee will be informed of his rights to file an appeal.
 6. The original of the Disciplinary Action form shall be forwarded to the human resources director with a copy given to the affected employee.
- 6.03.06 It is the responsibility of the director to notify the human resources director when a change is necessary in the employee's pay due to a disciplinary action.

SECTION 7 Clearing of Disciplinary Action Records

- 7.01 Records of disciplinary action shall be removed from City personnel files under the following provisions:
 - 701.01 If the disciplinary action is a written reprimand, such Disciplinary Action form may be removed from the City's personnel files if no other offense has been committed by the employee within two (2) years after the written reprimand.
 - 701.02 If the disciplinary action is placement on probation, suspension, demotion or termination, such Disciplinary Action form shall, under no circumstances, be removed from City files..
- 7.02 It is the responsibility of the affected employee initiate the clearing of certain disciplinary actions from his City personnel records. This request is to be written to the attention of the human resources director with a copy to his/her director.
- 7.03 If removal of a Disciplinary Action form from the file(s) is appropriate, the human resources director shall so notify the respective director regarding such removal.
- 7.04 The human resources director shall respond to the employee's request with an explanation of any action taken or not taken.

CHAPTER 11 - Grievances

SECTION 1: DEFINITION

SECTION 2: POLICY

SECTION 3: GRIEVANCE PROCEDURE

SECTION 4: ACTIONS EXEMPT FROM GRIEVANCE PROCEDURES

SECTION 1: Definition

- 1.01 A grievance is defined as any discontent, dissatisfaction, complaint or misunderstanding in which an employee thinks, feels or believes a job-related decision or a condition of employment affecting him/her personally has been applied unfairly, unjustly or inequitably.

SECTION 2: Policy

- 2.01 It is the policy of the City to foster employee satisfaction and to give careful consideration and attention to any grievance and to assure employees that their problems and complaints will be considered fairly, rapidly, and without reprisal.

SECTION 3: Grievance Procedure

- 3.01 An employee who has a situation, that by definition is a grievance, should first discuss the matter with his/her immediate supervisor, within ten (10) work days of the incident, stating all the facts and why corrective action is needed.

The supervisor will then take the problem under consideration, to which an answer to the employee should be given within five (5) work days, under normal circumstances.

- 3.02 If the answer given by the immediate supervisor is not satisfactory to the employee, the employee may request a discussion with the next higher level of supervision, etc., up to the department director.

Again, the problem will be taken under consideration, allowing under normal circumstances, five (5) work days for the supervisor/department director to make whatever investigation is deemed necessary before an answer is given to the employee.

- 3.03 If the answer given in Section 3.02 is still not satisfactory to the employee, the employee can then put in writing the facts of the complaint, the responses of his/her supervisors/director, why corrective action is needed, and present it to the city manager within ten (10) work days of the outcome of Section 3.02..

The city manager will investigate the matter and hold a conference with the employee to discuss the grievance and the possible outcome. This meeting will be held with the employee within ten (10) work days of receiving the written grievance. The department director will be consulted by the city manager and may be included in the meeting. The department director and the employee will be notified of the outcome of the grievance within five (5) work days of the meeting.

SECTION 4: Actions Exempt from Grievance Procedures

- 4.01 Disciplinary actions including demotions, suspensions, terminations and areas of personnel administration shall not be reviewed and considered as grievances, but may be subject to the appeals process, described in Chapter 12.

CHAPTER 12 - Appeals

SECTION 1: DEFINITION

SECTION 2: APPEALS PROCESS

SECTION 1: Definition

1.01 An appeal is defined as an employee's right to respond and express dissatisfaction or disagreement of specific actions as taken by the City or its supervisory employees. Actions subject to appeal procedures include the following:

1.01.01 Demotion

1.01.02 Suspension

1.01.03 Termination

SECTION 2: Appeals Process

- 2.01 The primary purpose of the appeals process is to determine what is right and correct, rather than who is right and correct. This is to be accomplished by objective review, in an atmosphere of cooperative assistance, without undue conflict and in a prompt and equitable manner.
- 2.02 All appeals shall be submitted in writing to the city manager within five (5) work days after receipt of notice of demotion, suspension or termination.
- 2.03 All appeals shall be reviewed, considered and resolved by the city manager.
 - 2.03.01 The city manager will, within five (5) work days of receiving the written appeal, notify the employee and his/her department director the date, time and place set for a formal hearing on the appeal. Should the city manager be on approved leave or away on official city business when the appeal is filed, the hearing will be scheduled within five (5) work days of his/her return.
 - 2.03.02 The city manager may interview the appellant and any other employee(s) deemed necessary in reviewing the appeal.
 - 2.03.03 The city manager shall render a decision within five (5) work days of the formal appeal hearing and his/her decision is final.
- 2.04 Any employee who has completed his/her initial probationary period may appeal to the city manager his/her notice of dismissal, suspension or demotion.
- 2.05 If an employee wishes to appeal an action, it shall be his/her responsibility to:
 - 2.05.01 Become familiar with personnel policies, especially those relating to his/her action.
 - 2.05.02 Contact the human resources director for procedural guidance.
- 2.06 The following information shall be included in all written appeals:
 - 2.06.01 A concise statement of facts, indicating why the appellant is entitled to a reconsideration.
 - 2.06.02 Factual evidence/documentation which will support reconsideration of the personnel action being appealed.
- 2.07 For all written appeals alleging discrimination, the employee/appellant must include the date, time, place, name(s) of persons involved and the specific act of discrimination.

CHAPTER 13 - Employee Performance Evaluation System

SECTION 1: POLICY

SECTION 2: OBJECTIVE

SECTION 3: PROCEDURE

SECTION 1: Policy

- 1.01 It is the policy of the City of Cookeville to conduct performance evaluations with all regular full-time and regular part-time employees on a regularly scheduled basis as an employee development activity intended to assist and motivate employees to attain their maximum potential. The human resources director, with city manager approval, shall have the responsibility for administering a fair, objective and equitable performance evaluation system.

SECTION 2: Objective

- 2.01 The specific objectives of the performance evaluation system are:
- a. To motivate and guide employees toward greater self-development and improved performance by discussing significant strengths and areas needing improvement in a positive and constructive manner.
 - b. To provide a uniform means for supervisors to make merit pay determinations based upon their assessment of employee performance in relation to performance standards.
 - c. To provide a means for evaluating employee suitability for continuation of employment beyond the probationary period and for job transfer and promotions.
 - d. To identify training needs.
 - e. To provide substantiating data for use as a guide to record employee progress.

SECTION 3: Procedure

- 3.01 The performance of regular full-time and regular part-time employees shall be evaluated after three (3) months of employment for new employees and again prior to completion of the probationary period (normally six months except for police department personnel).
- 3.02 After successful completion of the probationary period, employees will have their job performance reviewed on or about their anniversary date each year.
- 3.03 Employees promoted or transferred into a different position shall serve a probationary period and shall have their performance evaluated.
- 3.04 The performance evaluation form shall be prepared and the interview conducted by the immediate supervisor. The evaluation form shall become a permanent part of the employee's personnel file after being reviewed and approved by the department director and the human resources director.
- 3.05 A performance evaluation may be conducted at any time when, in the opinion of the immediate supervisor or director, an employee's performance has deviated from expected standards.

CHAPTER 14 - Separation from Employment

SECTION 1: GENERAL STATEMENT

SECTION 2: RESIGNATION

SECTION 3: ABANDONMENT OF POSITION

SECTION 4: RETIREMENT

SECTION 5: TERMINATION

SECTION 6: REDUCTION IN FORCE

SECTION 7: RECALL

SECTION 8: LOSS OF REQUIREMENT FOR POSITION

SECTION 9: MEDICAL DISABILITY/PHYSICAL INABILITY TO PERFORM WORK

SECTION 10: SEVERANCE AND SEPARATION PAY

SECTION 11: FINANCIAL OBLIGATIONS TO THE CITY

SECTION 12: EXIT INTERVIEW

SECTION 1: General Statement

- 1.01 Should an employee leave the employ of the City of Cookeville, for any reason, the immediate supervisor shall complete a Separation Form as soon as practical. The completed form shall be submitted to human resources.

SECTION 2: Resignation

- 2.01 A resignation is defined as a voluntary withdrawal from City employment. Resignations should be submitted in writing to the employee's immediate supervisor at least ten (10) working days prior to separation (at least 20 working days for supervisors and directors).
- 2.02 Failure to provide proper and timely resignation notification may be cause for denial of reemployment.

SECTION 3: Abandonment of Position

- 3.01 Abandonment of position is defined as an employee's failure to report to work without notifying his supervisor or director of his inability to do so. (See Chapter 9 Section 1 - Reporting/Requesting Leave)

SECTION 4: Retirement

- 4.01 Employees who are eligible for retirement and who wish to retire should advise their director of such retirement intentions at least six (6) months prior to the anticipated date of retirement, if at all possible, to allow sufficient time for the completion of appropriate paperwork and processing. (See Chapter 8, Section 5).

SECTION 5: Termination

- 5.01 A termination is defined as the involuntary separation, for cause, of an employee from City employment as a result of supervisory or management determination. (See Chapter 10, Sections 3 & 4).
- 5.02 Employees terminated from City employment shall not be eligible to receive payment for any unused sick leave.

SECTION 6: Reduction in Force

- 6.01 In the event of a reduction in work force, the city manager will determine which departments and the number of employees the reduction/lay-off will affect.
- 6.02 The department director, with city manager approval, will determine who from his department will be laid-off. Factors used in making this determination shall include, but are not limited to: seniority, job knowledge, quality of work, quantity of work, dependability, work habits, performance evaluation ratings and essential functions.
- 6.03 Discrimination against any employee in the lay-off process because of race, color, religion, sex, age, national origin, political affiliation, or disability, except when such disability interferes with the successful performance of their job, shall be prohibited.

SECTION 7: Recall

- 7.01 Recall is defined as reinstatement of laid-off employees to the same or similar positions held prior to the lay-off.
- 7.02 A recalled employee shall realize no loss in City benefits accrued up through and including the last working day prior to lay-off. However, no City benefits shall be accrued or be considered while the employee is laid-off.

SECTION 8: Loss of Requirement for Position

- 8.01 When the city manager determines that a position is no longer needed or that economic conditions dictate, a position may be eliminated.
- 8.02 Any employee, who fails to gain or to keep current any required license, certification or other job requirement, shall be subject to probation, demotion and/or subsequently termination if such job requirement is not obtained within a time period prescribed by the city manager, director and human resources director.

SECTION 9: Medical Disability/Physical Inability to Perform Work

- 9.01 When a disability impairs the effectiveness of an employee to perform the essential functions of their job, thus making continued employment potentially dangerous to the employee and/or others by creating an adverse impact on the work program(s) of the department, a medical examination or re-examination of the employee may be requested by the department director or the city manager. (See Chapter 4, Section 11)
- 9.02 If the employee wishes to get a second opinion at his expense, the request shall be made to the city manager. If employee's request is granted, a copy of the physician's findings shall be submitted to the city manager for further consideration.
- 9.03 In the case of conflicting medical examinations, other medical opinions and re-examinations may be directed by the city manager at the City's expense.
- 9.04 Results of the examinations and re-examinations and the director's recommendation shall be reviewed by a City designated physician and the human resources director for determination regarding the employment status of the employee.
- 9.05 If the results indicate an inability of the employee to perform the essential functions of the position:
 - 9.05.01 The employee may be reassigned to any available position for which he is qualified and is capable of performing. Such reassignment is at the discretion of the director and city manager.
 - 9.05.02 The employee may be terminated due to his inability to perform the essential functions of the position.
- 9.06 Should an employee be moved to another position because of a medical disability or physical inability to perform his job, his pay grade will be adjusted to that of the new position.

SECTION 10: Severance and Separation Pay (See Chapter 7. Sections 21 & 22)

SECTION 11: Financial Obligations to the City

- 11.01 Upon separation from City employment, any and all monies owed to the City by the separating employee will be deducted from his last paycheck. These debts include but are not limited to:
 - 11.01.01 Payment due for abuse, misuse, loss or destruction of City property or equipment.
 - 11.01.02 Shortage and/or errors in paid leave accounts
 - 11.01.03 Repayment of tuition refunds.
 - 11.01.04 Repayment in accordance with departmental contracts to reimburse the City for certain training and equipment. Example: the Police Department's Training Reimbursement Agreement for Police Officers.
- 11.02 It shall be the responsibility of the department director to advise the human resources director of any debts owed to the City.

SECTION 12: Exit Interview

- 12.01 Before leaving the City, employees will be asked to complete an Exit Interview form and to be interviewed by the human resources director. The interview provides an opportunity for the employee to express himself and to speak freely about the City and his job. It is hoped that the exit interview will provide insights into possible improvements the City can make.
- 12.02 The information shared at the exit interview will in no way affect any reference information that the City of Cookeville will provide another employer.
- 12.03 The human resources director will provide the city manager with a copy of the Exit Interview form and a copy will become a permanent part of the employee's personnel file.

CHAPTER 15 - Personnel Administration and Records

SECTION 1: SCOPE OF PERSONNEL ADMINISTRATION

SECTION 2: PERSONNEL RECORDS/CONFIDENTIALITY

SECTION 1: Scope of Personnel Administration

- 1.01 In addition to those areas of responsibility listed in Chapter 2, Section 4, the human resources director shall develop, maintain, coordinate and administer the following: compliance with legislation on Equal Employment Opportunity in employment practices, administrative and technical support to the City Council, city manager, supervisors and directors, compliance with the Worker's Compensation Act (see Chapter 9, Section 7) and the Occupational Safety and Health Program (see Chapter 5, Section 21).
- 1.02 Any adopted departmental operating manuals which address personnel management and/or administration, shall be considered to be supplemental to these personnel policies and procedures. Should there be a conflict, these policies and procedures shall supersede departmental manual on any personnel issue.
- 1.03 These policies and procedures included in this manual shall be the official policies and procedures of the City of Cookeville, and shall supersede all prior personnel policies and procedures.

SECTION 2: Personnel Records/Confidentiality

- 2.01 The human resources director is designated as the official custodian of the City's personnel records and files.
- 2.02 These records and files, excluding medical records, are considered to be open for personal inspection by any person provided:
 - 2.02.01 a Request to Inspect a Personnel File is completed giving the person's name, address, business telephone number, home telephone number, driver's license number or other appropriate identification prior to inspecting any records (See TCA 10-7-503).
 - 2.02.02 that such review is conducted in the physical presence of the custodian or his designee, during regular office hours, in accordance with the State of Tennessee Public Records Act.

CHAPTER 16 - Amendments to Policies and Procedures

SECTION 1: AUTHORITY

SECTION 2 OFFICIAL COPY OF PERSONNEL POLICIES AND PROCEDURES

SECTION 1: Authority

- 1.01 The City Council shall have the authority to amend the policies and procedures and shall do so by written resolution.

SECTION 2: Official Copy of Personnel Policies and Procedures

- 2.01 It shall be the responsibility of the human resources director to maintain the official copy of the *City of Cookeville Personnel Policies and Procedures Manual*.
- 2.02 The human resources director shall maintain records of all amendments and changes to the personnel policies and procedures by making appropriate notations of each revision on the official copy.

CHAPTER 17 - Savings Clause

SECTION 1: General Statement

- 1.01 The provisions of these policies and procedures are hereby declared to be severable; and, if any chapter, section, subsection, phrase, sentence or part of these policies and procedures shall be held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other section, subsection, phrase, sentence or part of these policies and procedures unless it clearly appears that such other part or parts is wholly or necessarily dependent for its operation upon the part or parts so held invalid or unconstitutional. The remainder of these policies and procedures shall continue in full force and effect, it being the intent, now hereby declared, that these policies and procedures would have passed even if such unconstitutional or void matter had not been included.

Appendix

Appendix to City of Cookeville Personnel Policies and Procedures Manual

Appendix A: City of Cookeville Drug and Alcohol Testing Policy (Originally Adopted 03/97)

Appendix B: Drug and Alcohol Test Standards

Appendix C: Designated Drug Testing Collection Facility

Appendix D: Designated DHHS Certified Laboratories

Appendix E: City of Cookeville Drug and Alcohol Testing Policy
Employee Acknowledgment

Appendix F: Initial Drug / Alcohol Testing Procedures Consent
& Acknowledgement Form

Appendix G: Parental Consent for Drug & Alcohol Testing Form

Appendix H: Forensic Drug Testing Custody and Control Form

Appendix I: Addition to Cookeville Municipal Code by the addition of
The Code of Ethics (May, 2007)

Appendix J: City of Cookeville Identity Theft Policy (October 2008)

Appendix K: Mandatory retirement for employees of Police and Fire who are age 60

APPENDICES

Appendix A
To City of Cookeville, Tennessee
Personnel Policies and Procedures Manual

City of Cookeville

**DRUG AND ALCOHOL
TESTING POLICY**

Adopted Effective: March 1, 1997
Amended: February 6, 2003
Amended: August 18, 2011
Amended: April 7, 2016

DRUG AND ALCOHOL TESTING POLICY

PURPOSE

The City of Cookeville recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City of Cookeville to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City of Cookeville are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

In order to provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City of Cookeville has adopted this drug and alcohol testing policy effective March 1, 1997. This policy complies with the: Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees in the aviation, motor carrier, railroad, pipeline, commercial marine, and mass transit industries. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees.

The types of tests required are: pre-employment, transfer (see Page 6), reasonable suspicion, post-accident/incident, random, return to duty, and follow-up.

It is the policy of the City of Cookeville that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to disciplinary action including termination of employment. Prohibited and/or illegal conduct includes, but is not limited to:

1. being on duty or performing work in or on City property while under the influence of illegal drugs, scheduled controlled medications, and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal, or scheduled controlled medications at any time and of alcohol while on duty or while in or on City property;
3. use or possession of prescription drugs that have not been prescribed for the employee by a physician;
4. refusing to sign the consent form or refusing or failing a drug and/or alcohol test administered under this policy;
5. providing an adulterated, altered, or substituted specimen for testing;
6. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
7. use of alcohol or drugs within eight hours following an accident/incident if the employee's involvement has not been discounted as a contributing factor in the accident/incident or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties.

In order to educate employees about the dangers of drug and/or alcohol abuse, the City shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the City's policy regarding drugs and/or alcohol; and the availability of counseling. The Human Resources Director has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City of Cookeville property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of the City of Cookeville. The policy also applies to all applicants who have been given a conditional offer of employment from the City of Cookeville.

CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to the laboratory, medical review officer (MRO), Human Resources Director, or his/her designee. The consent form shall provide a space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. the procedure for confirming and verifying a positive test result;
2. the consequences of a verified positive test result; and
3. the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

COMPLIANCE WITH SUBSTANCE ABUSE POLICY

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms, or other required documents, or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or is adulterated shall be grounds for refusal to hire or for termination.

GENERAL RULES

The following general rules shall govern the City of Cookeville drug and alcohol testing program.

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed healthcare provider. Employees who are required to take scheduled controlled prescription medications shall sign a Medication Form stating that those medications will not be taken six (6) hours prior to work, or during work hours.
2. City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time, and alcohol, while on duty or while in or on City property.
3. All City of Cookeville property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City property includes, but is not limited to, vehicles, desks, containers, files, and lockers. Employee assigned lockers (that are locked by the employee) are also subject to inspection after advance notice, unless such notice is waived by the City Manager.
4. Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty and *nolo contendere*) within five days of the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including termination for the first offense.

DRUG TESTING

An applicant or employee must carry a current and recent photo ID for presentation to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six (6) separate conditions:

A. Types of Tests

1. **Pre-Employment**

All applicants for employment, who have received a conditional offer of employment with the City of Cookeville, must take a drug test before receiving a final offer of employment.

2. **Transfer**

Employees transferring to a safety-sensitive or CDL position, who are not currently in one, shall undergo drug testing.

3. **Post-Accident/Incident Testing**

Post-Accident/Incident testing shall be required following any workplace accident/incident resulting in property or environmental damage or in personal injury. Each employee whose performance either contributed to the accident/incident or cannot be discounted as a contributing factor to the accident/incident shall be tested.

Post-accident/incident testing shall be carried out at the direction of the Human Resources director or his/her designee within forty-eight (48) hours following the accident/incident. Urine collection for post-accident/incident testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

Any testing for additional substances listed under the Tennessee Drug Control Act of 1989 as amended shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.

a. **Post-Accident/Incident Testing for Employees Requiring Routine Medical Treatment**

Following all workplace accidents/incidents when drug testing is to be performed, affected employees who can walk or think coherently will report to the urine specimen collection site within forty-eight (48) hours following the accident. In the event of an accident/incident occurring after regular work hours, the employee(s) will report to the testing site within forty-eight (48) hours. No employee shall consume scheduled controlled medications prior to completing the post-accident/incident testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident/incident testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City of Cookeville and shall result in administrative action up to an including termination of employment.

b. **Post-Accident/Incident Testing for Injured Employees**

An affected employee who is seriously injured, cannot walk or think coherently, and/or under professional medical care following an accident/incident shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Cookeville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Cookeville or upon hiring following the implementation date.

Post-accident/incident urinary testing may be impossible for unconscious, seriously injured, or hospitalized employees. Only an accepted method for collecting specimens will be used. Any failure to do post-accident/incident testing within forty-eight (48) hours must be fully documented by the attending medical personnel.

4. **Testing Based on Reasonable Suspicion**

A drug test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief

that the employee is using or has used drugs. This belief should be made based on observable occurrences while at work, such as direct observation of drug use or of the physical symptoms or signs of being under the influence of drugs; abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; a report of drug use, provided by a reliable and credible source. A Supervisor who has received drug detection training that complies with DOT regulations must make the decision to test.

Supervisory personnel of the City of Cookeville making a determination to subject any employee to drug testing based on reasonable suspicion shall, promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee, upon request, and the original documentation shall be kept confidential by the City pursuant to TCA 50-9-109 and shall be retained by the City for at least one year. Urine collection for reasonable suspicion shall be monitored or observed at the collection site.

5. Random Testing

Only employees of the City of Cookeville required to have a commercial driver's license (CDL) or holding a safety sensitive position (uniformed fire department personnel, gas department personnel, uniformed and/or armed police department personnel, water treatment plant personnel, electric department personnel, all department directors, City Manager, human resources personnel, and other positions that may be approved by the City Manager) are subject to random urine drug testing. It is the policy of the City of Cookeville to annually random test for drugs at least fifty (50) percent of the total number of employees possessing or obtaining a commercial driver's license (CDL) or working in a safety sensitive position.

A minimum of fifteen (15) minutes and a maximum of two (2) hours will be allowed between notification of an employee's selection of random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

A random selection process will be conducted to select safety sensitive and/or CDL holders for drug and alcohol testing. A master list of CDL holders and safety sensitive employees shall be maintained in the Human Resources department and each employee assigned an arbitrary number between (1) and (X). Numbers selected through the random selection process shall then be matched with the coinciding number on the master list and that employee is then tested. In the event of a positive test, confirmatory testing results will be printed and supplied to the employee by testing site personnel.

If an employee is unavailable (i.e., vacation, sick day, out of town, work related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing or await the employee's return to work.

6. Return-To-Duty and Follow-Up

Any employee of the City who has violated the prohibited drug conduct standards and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

The employee will be required to pay for his/her return-to-duty and follow-up tests accordingly.

Testing will also be performed on any employee returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for the testing.

B. Prohibited Drugs

All positive drug results will be reported to the medical review officer (MRO). If verified by the MRO, the results will be reported to the Human Resources Director or his/her designee. The following is a list of drugs for which tests will be routinely conducted (see Appendix B):

1. Amphetamines (Methamphetamine, Adderall, Ritalin, etc....)
2. Barbiturates (Phenobarbital, Nembutal, Seconal)
3. Benzodiazepines (Valium, Klonopin, Xanax)
4. Cocaine Metabolites
5. Marijuana Metabolites
6. Methadone
7. Methaqualone (Quaaludes)
8. MDA – Analogues (Ecstasy)
9. Opiates (Morphine, Heroin, Codeine)
10. Oxycodones (OxyContin, Roxicodone, Percocet)
11. Phencyclidine (PCP)
12. Propoxyphene (Darvon, Darvocet)
13. Alcohol

The City may test for any additional substances that may be listed under the Tennessee Drug Control Act of 1989.

Having used a controlled substance (drug) prescribed for someone else is NOT a valid medical reason for a positive lab result, and this misuse will be considered as a positive result by the MRO and by the City of Cookeville.

C. Drug Testing Collection Procedures

Testing will be accomplished as non-intrusively as possible. Employees being tested shall come to City Hall. The employee will then be sent or transported to a drug test collection site (see Appendix C) where a urine sample will be collected. Collection will be accomplished in accordance with guidelines set forth by DOT (CFR 49 Part 40), the Omnibus Transportation Employee Testing Act of 1991, and Drug Free Workplace Program. The following section will detail the testing procedure.

I. Testing Procedure

- i. The employee will report to City Hall.
- ii. The employee shall be given a "Forensic Drug Testing Custody and Control Form" and then report, or be transported, to a designated drug testing facility. (see Appendix H)
- iii. The employee shall provide a urine specimen, which shall be collected as outlined by DOT (49 CFR Part 40), the Omnibus Transportation Employee Testing Act of 1991, and Drug Free Workplace Program.
- iv. The employee will then return to work unless directed otherwise by healthcare providers.
- v. Negative results will be communicated, as soon as possible, to the City of Cookeville Human Resources Department.
- vi. Positive results will first be communicated to the employee by the designated medical review officer (MRO) as outlined below in "Reporting and Reviewing".
- vii. The Human Resources Director, or his/her designee, will be notified of positive test results immediately following notification of the employee.

D. Drug Testing Laboratory Standards and Procedures

All collected urine samples will be sent to a laboratory that is certified and monitored by the federal Department of Health and Human Services (DHHS) (see Appendix D).

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two (2) bottles labeled as "primary" and "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen

bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has seventy-two (72) hours to request sending the split specimen to another federal Department of Health and Human Services (DHHS) certified laboratory for analysis. The employee shall be required to pay for his or her split specimen test(s). After seventy-two (72) hours has expired, the employee gives up the right to have that specimen retested. The secondary lab for the split specimens is also listed in Appendix D. The split specimen procedure essentially provides the employee with an opportunity for a second opinion.

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory, the MRO, the MRO staff and City Human Resources Director or his/her designee. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the Human Resources Director, or his/her designee.

E. Reporting and Reviewing

The City of Cookeville shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders (see Appendix C).

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and professional standards expected of a MRO.
2. Reports from the laboratory to the MRO shall be in writing, or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.
3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department director, Human Resources director or his/her designee, and the employee.
4. Neither the City of Cookeville, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident/incident investigations, requested by court order, or required to be released to parties (i.e., DOT, the Tennessee Department of Labor, etc.) having legitimate right-to-know as determined by the City attorney.

ALCOHOL TESTING

An applicant or employee must carry a current and recent photo ID for presentation to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under separate conditions:

A. Types of tests

1. Post-Accident/Incident Testing

Post-accident/incident testing shall be required following any workplace accident/incident determined by the department director or Human Resources personnel to have resulted in property or environmental damage or in personal injury. Each employee whose performance either contributed to the accident/incident or cannot be discounted as a contributing factor to the accident/incident shall be tested. Post-accident/incident testing shall be carried out within two (2) hours following the accident/incident.

a. Post-Accident/Incident Testing for Employees Requiring Routine Medical Treatment

Following all workplace accidents/incidents in which alcohol testing is required, affected employees who can walk or think coherently will be taken by a supervisor, or designated personnel of the City of Cookeville, to the designated alcohol test site for an alcohol test within two (2) hours. No employee shall consume alcohol prior to completing the post-accident/incident testing procedures.

No employee shall delay his/her appearance at the designated testing site(s) for post-accident/incident testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City of Cookeville and shall result in administrative action up to and including termination of employment.

b. Post-Accident/Incident Testing for Injured Employees

An affected employee who is seriously injured, cannot walk or think coherently, and/or under professional medical care following a significant accident/incident shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel at the treatment facility, and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City of Cookeville appropriate and necessary information or records that would indicate only whether or not alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City of Cookeville or upon hiring following the implementation date.

Post-accident/incident alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident/incident testing within two (2) hours must be fully documented by the attending medical personnel.

2. Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be made based on observable occurrences while at work, such as direct observation of alcohol or of the physical symptoms or manifestations of being under the influence of alcohol; abnormal conduct or erratic behavior while at work or a significant deterioration in work performance; a report of alcohol use, provided by a reliable and credible source.

Supervisory personnel of the City of Cookeville making a determination to subject any employee to alcohol testing based on reasonable suspicion shall, promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee, upon request, and the original documentation shall be kept confidential by the City pursuant to TCA 50-9-109 and shall be retained by the City for at least one year.

3. Random Testing

Only employees of the City of Cookeville required to have a commercial driver's license (CDL) or holding a safety-sensitive position (uniformed fire department personnel, gas department personnel, uniformed and/or armed police department personnel, water treatment plant personnel, electric department personnel, all department directors, the City Manager, human resources personnel, and other positions that may be approved by the City Manager) are subject to random alcohol testing. It is the policy of the City of Cookeville to annually random test for alcohol at least twenty-five (25) percent of the total number of employees possessing or obtaining a commercial driver's license (CDL) or holding a safety-sensitive position.

A minimum of fifteen (15) minutes and maximum of two (2) hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing. The random selection process will be the same as defined in Section E of the drug testing policy.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while other may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City of Cookeville may omit that employee from that random testing or await the employee's return to work.

4. Return-to-Duty and Follow-Up

Any employee of the City of Cookeville who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six (6) tests will be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

The employee will be required to pay for his or her return-to-duty and follow-up test accordingly.

Testing will also be performed on any employee returning from leave or special assignment in excess of six (6) months. In this situation, the employee will not be required to pay for testing.

B. Alcohol Testing Procedures

Initial alcohol testing shall be performed in the Human Resources Department. Confirmatory testing shall be performed at the confirmatory testing site listed in Appendix C.

1. Initial testing Procedures

The following procedure will be used for initial testing:

- a. The employee will be asked to submit to an alcohol test.
- b. After the employee submits to the test, he/she shall be shown the results. If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative.
- c. For negative results, the employee will return to work and Human Resources personnel shall properly document the negative test.
- d. For positive results, a confirmatory breath alcohol test or blood alcohol test will be performed at the confirmatory testing site. Human Resources personnel shall transport the employee to the testing site.

2. Confirmatory Testing Procedure

All breath alcohol testing conducted for the City of Cookeville shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA). The test shall be administered by qualified personnel in accordance with the procedures outlined in 49 CFR Part 40, Subpart M, Alcohol Confirmation Tests (DOT).

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and, when possible, by a Human Resources employee of the City of Cookeville.

The completed breath or blood alcohol test form shall be submitted to Human Resources Director.

Failure of the breath alcohol test shall result in administrative action by proper officials of the City of Cookeville up to and including termination of employment.

EDUCATION AND TRAINING

A. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include, at the minimum, two sixty (60) minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One sixty (60) minute period will be for drugs and one will be for alcohol.

The City of Cookeville will conduct a substance abuse awareness program covering the City of Cookeville Drug and Alcohol Program for all employees.

B. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

1. Information material on the effects of drug and alcohol abuse;

2. An existing community services hotline number, available drug counseling, rehabilitation, and assistance per the City of Cookeville employee insurance policy;
3. The City of Cookeville policy regarding the use of prohibited drugs and/or alcohol which includes the penalties that may be imposed.

CONSEQUENCES OF A CONFIRMED OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with the City of Cookeville if they have an initial positive pre-employment drug and/or alcohol test

If a current employee tests positive on either the drug or alcohol test, and the test results have been confirmed by the MRO, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The City may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the City reserves the right to allow employees to participate in an education and/or treatment program approved by the City Manager as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through a rehabilitation program sanctioned by the City, and thereafter refrain from violating the City's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of City personnel policy and procedures, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that the employee: (1) fails to submit to initial alcohol or controlled substances testing in accordance with the provisions of this policy; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for initial urine testing in accordance with the provisions of this policy; or (3) engages in conduct that clearly obstructs the testing process. The physician or breath alcohol technician shall provide a written statement to the City indicating a refusal to test.

VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the City of Cookeville is dependent upon or an abuser of drugs and/or alcohol, and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department director.

Such voluntary desire for help with a substance abuse problem will be honored by the City of Cookeville. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City of Cookeville may be allowed up to thirty (30) consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, sick, and compensatory time available.
2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of thirty (30) consecutive calendar days, the employee will be provided unpaid leave for the difference.

Voluntary disclosure must occur before an employee is notified of, or otherwise becomes subject to, a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City of Cookeville. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department director and Human

Resources Director of the City of Cookeville will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City of Cookeville. Voluntary disclosure provisions do not apply to applicants. Employees who test positive during return-to-duty drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

EXCEPTIONS

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement, intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

MODIFICATION OF POLICY

This statement of policy may be revised by the City of Cookeville Council at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City of Cookeville.

This employee drug and alcohol policy was approved and effective originally March 1, 1997. Amended February 6, 2003, August 18, 2011, and April 7, 2016 by the City of Cookeville.

Appendix B

DRUG AND ALCOHOL TEST STANDARDS

<u>Drug</u>	<u>Initial Test Level</u>	<u>MS Confirm Test Level</u>
Amphetamines	1000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	200 ng/ml
Benzodiazepines	300 ng/ml	200 ng/ml
Cocaine	300 ng/ml	150 ng/ml
Marijuana	50 ng/ml	15 ng/ml
Methadone	300 ng/ml	200 ng/ml
Methaqualone	300 ng/ml	100 ng/ml
MDA	500 ng/ml	250 ng/ml
Opiates	300 ng/ml	300 ng/ml
Oxycodones	100 ng/ml	100 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Propoxyphene	300 ng/ml	200 ng/ml
Alcohol	.02 % BAL	.04 % BAL

Note: Additional substances listed under the Tennessee Drug Control Act of 1989 may be tested at the cutoff level customarily used by the selected laboratory. Cutoff levels are subject to change as DOT rules change or testing products change.

Appendix C

DESIGNATED DRUG/ALCOHOL TESTING COLLECTION FACILITIES

Initial Testing for Alcohol

City of Cookeville Human Resources Department
45 East Broad Street
Cookeville, TN 38501
(931) 520-5289

Confirmatory Testing for Alcohol and MRO

Occupational Health Center
315 North Washington, Suite 165
Cookeville, TN 38501
(931) 526-1604

Designated Drug Testing Facilities

Occupational Health Center
315 North Washington, Suite 165
Cookeville, TN 38501
(931) 526-1604

Reliable Healthcare
135 West 3rd Street
Cookeville, TN 38501
(931) 526-2488

Hometown Family Care
586 South Jefferson Ave, Suite L
Cookeville, TN 38501
(931) 854-0050

CRMC Employee Health Clinic
1 Medical Center Blvd.
Cookeville, TN 38501
(931) 783-5721

Appendix D

DESIGNATED DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) CERTIFIED LABORATORIES

City of Cookeville Designated Laboratory

Quest Diagnostics – Atlanta
1777 Montreal Circle, Floor 2
Tucker, GA 30084

Split Specimen Laboratory

Med Tox
402 West County Road, Suite D
St. Paul, MN 55112
(615) 636-7466

Appendix E

CITY of COOKEVILLE DRUG AND ALCOHOL TESTING POLICY ACKNOWLEDGMENT

As an applicant or an employee, I have carefully read the City of Cookeville drug and alcohol testing policy. I have received a copy of the City of Cookeville drug and alcohol testing policy, understand its requirements, and agree without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I agree to notify my supervisor if I am prescribed a scheduled controlled prescription medication, and understand that this information will be kept confidential per Health Insurance Portability and Accountability Act (HIPAA) requirements. I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test. If seriously injured, unable to walk or think coherently, and/or under professional medical care following an accident/incident, I consent to the obtaining of specimens for drug and/or alcohol testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. I also give consent for the attending medical personnel, and/or medical facility (including hospitals), to release to the medical review officer (MRO) of the City of Cookeville appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in my system.

Name of Applicant or Employee

Social Security Number

Department

Supervisor

(Signature of Applicant or Employee)

Date

(Signature of Witness)

Date

Appendix F

City of Cookeville Drug and Alcohol Testing Procedures Employee Consent Form

As an employee with the City of Cookeville, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be breath analysis, and the drug test will involve an analysis of a urine sample which I will provide at a designated site. The purpose of the test will be to test for the presence of Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Methadone, Methaqualone, MDA, Opiates, Oxycodone, Phencyclidine, Propoxyphene, alcohol, and or any additional drugs listed in the Tennessee Drug Control Act. I authorize personnel in the Human Resources, and the designated collection site, to take and analyze appropriate specimens to determine if drugs and/or alcohol are present in my system. As an employee, I am aware that this test will include laboratory analysis of urine or breath-alcohol testing and, if positive, will be sent for MRO review. I will present, or be given, the Forensic Drug Testing Custody and Control Form to the collection site when I report for my scheduled drug or alcohol test. I also understand that failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

Name of Employee (print) _____

Department _____

Time of Test _____

Signature of Employee

Date

Signature of Witness

Date

For Office Use Only

Type of Test: ALCOHOL
Random ____ CDL ____ SS ____

Pre-Employment ____ Post Accident ____

Return to Duty ____ Follow-Up ____

Reasonable Suspicion ____ Transfer ____

Type of Test: DRUG
Random ____ CDL ____ SS ____ Pre-

Employment ____ Post Accident ____

Return to Duty ____ Follow-Up ____ Reasonable

Suspicion ____ Transfer ____

	<u>Negative</u>	<u>Non-Negative</u>	<u>Not Performed</u>
Initial			
Alcohol Screen	[]	[]	[]

City of Cookeville
APPLICANT DRUG/ALCOHOL TESTING PROCEDURES
CONSENT AND ACKNOWLEDGEMENT FORM
(Revised 04/07/2016)

As an applicant with the City of Cookeville, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be breath analysis, and the drug test will involve an analysis of a urine sample which I will provide at a designated site. The purpose of the test will be to test for the presence of Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Methadone, Methamphetamine, MDA, Opiates, Oxycodone, Phencyclidine, Propoxyphene, alcohol, and or any additional drugs listed in the Tennessee Drug Control Act. I authorize personnel in the Human Resources, and the designated collection site, to take and analyze appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be immediately made available to the Human Resources Director or his/her designee. As an applicant, I am aware that a positive drug/alcohol test result will rescind my conditional offer of employment. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

Name of Applicant (print) _____

Department _____ Time of Test _____

(Signature of Applicant) (Date)

(Signature of Witness) (Date)

(Signature of Collector) (Date)

<u>DRUG NAME</u>	<u>Negative</u>	<u>Positive</u>	<u>Not Performed</u>
Amphetamine	<input type="checkbox"/>	<input type="checkbox"/>	
Cocaine	<input type="checkbox"/>	<input type="checkbox"/>	
Marijuana	<input type="checkbox"/>	<input type="checkbox"/>	
Opiate	<input type="checkbox"/>	<input type="checkbox"/>	
Phencyclidine	<input type="checkbox"/>	<input type="checkbox"/>	
Barbiturates	<input type="checkbox"/>	<input type="checkbox"/>	
Benzodiazepines	<input type="checkbox"/>	<input type="checkbox"/>	
Methadone	<input type="checkbox"/>	<input type="checkbox"/>	
Methamphetamine	<input type="checkbox"/>	<input type="checkbox"/>	
MDA-Ecstasy	<input type="checkbox"/>	<input type="checkbox"/>	
Oxycodone	<input type="checkbox"/>	<input type="checkbox"/>	
Propoxyphene	<input type="checkbox"/>	<input type="checkbox"/>	
Alcohol Screen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix G

PARENTAL CONSENT FOR DRUG & ALCOHOL TESTING

My/Our minor child has been offered employment by the City of Cookeville, Tennessee. As a condition of employment, all City employees are required to consent to participate in the City's drug free workplace program. This program includes pre-employment, reasonable suspicion, post-accident, random, transfer, return-to-duty, and follow-up drug and alcohol testing.

I/We hereby consent, on behalf of my/our child, to the drug and alcohol testing required by my child's employer. I/We authorize the release of those results to my child's employer, the employer's medical review officer, and/or any other agent of the employer. I/We understand that the specimen(s), information obtained, and records created as a result of such testing are the sole property of the City of Cookeville and its agent and waive any claim to the same. I/We further authorize the City's medical review officer to contact my/our child directly for purposes of discussing any test results or information without my/our further participation or consent. I/We waive any right to be informed of the results of any such tests. I/We understand that the results of the drug/alcohol testing may affect my child's employment status.

I/We am/are the custodial parent(s)/legal guardians of the minor child identified below with full right and authority to give this consent. This consent shall remain valid during the child's employment by the City of Cookeville, Tennessee, unless revoked, in writing, with notice to the City of Cookeville's Human Resources Director.

CHILD'S NAME: (print) _____
Last First Middle Initial

Each parent or guardian should consent and sign below

PARENT/LEGAL GUARDIAN: (Please print) _____

SIGNATURE: _____ DATE _____

WITNESS: _____ DATE _____

PARENT/LEGAL GUARDIAN: (Please print) _____

SIGNATURE: _____ DATE _____

WITNESS: _____ DATE _____

I hereby give consent for the Medical Review Officer to discuss, and/or release, my test results to my parent(s) or legal guardian.

CHILD SIGNATURE: _____ DATE _____

WITNESS: _____ DATE _____

Appendix H (Example of Form) FORENSIC DRUG TESTING CUSTODY AND CONTROL FORM

FORENSIC DRUG TESTING CUSTODY AND CONTROL FORM



 65236025 4669321 SPECIMEN ID NO.		LAB ACCESSION NO.	
STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE A. Employer Name, Address, I.D. No. OCCUPATIONAL HEALTH CTR 315 N WASHINGTON AVE 165 COOKEVILLE TN 38501 PH: 931-526-1604 FAX: 931-526-7378		B. MRO Name, Address, Phone and Fax No. FURN ID: SAPH500329 OCCUPATIONAL HEALTH CTR 315 N WASHINGTON AVE 165 COOKEVILLE TN 38501 PH: 931-526-1604 FAX: 931-526-7378	
C. Donor SSN or Employee I.D. No. _____			
D. Donor Name: Last: _____ First: _____			
E. Donor ID Verified: <input type="checkbox"/> Photo ID <input type="checkbox"/> Emp. Rep. _____			
F. Reason for Test: <input type="checkbox"/> Pre-employment (1) <input type="checkbox"/> Random (3) <input type="checkbox"/> Reasonable Suspicion/Cause (5) <input type="checkbox"/> Post-Accident (2) <input type="checkbox"/> Promotion (22) <input type="checkbox"/> Return to Duty (6) <input type="checkbox"/> Follow-up (23) <input type="checkbox"/> Other (specify) (99) _____			
G. Drug Tests to be Performed: () 27853N SAP 5-50 H/OP+HMA/T () 27856N SAP 9-50 H/OP+HMA/T () 28124N TRAMADOL-100(U) SCHM () 37354N NEPERLINE-100/100 () 27811M SAP 10-50 OF+HMA/S/T () 27396N NSAP 10-50+ALC/REF/T			
H. Collection Site Name: <u>OCC HEALTH CENTER</u> Collection Site Code: _____ Address: <u>315 N WASHINGTON AVE</u> City, State and Zip: <u>COOKEVILLE TN 38501</u>		Collector Phone No.: <u>9315261604</u> Collector Fax No.: _____	
STEP 2: COMPLETED BY COLLECTOR Read specimen temperature within 4 minutes. Is temperature between 90° and 100° F? <input type="checkbox"/> Yes <input type="checkbox"/> No, Enter Remark _____ Specimen Collection: <input type="checkbox"/> Split <input type="checkbox"/> Single <input type="checkbox"/> None Provided (Enter Remark) <input type="checkbox"/> Observed (Enter Remark) _____ REMARKS: _____			
STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5. STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY I certify that the specimen given to me by the donor identified in the certification section on Day 1 of this form was collected, labeled, sealed, and released to the Delivery Service noted in accordance with applicable requirements.			
X _____ Signature of Collector (Print Collector's Name (First, MI, Last))		AM PM Time of Collection Date (Mo./Day/Yr.)	
RECEIVED AT LAB: X _____ Signature of Accessioner (Print Accessioner's Name (First, MI, Last))		SPECIMEN BOTTLE(S) RELEASED TO: <input type="checkbox"/> Quest Diagnostics Courier <input type="checkbox"/> FedEx <input type="checkbox"/> Other _____ Name of Delivery Service Transferring Specimen to Lab	
Primary Specimen Bottle Seal Intact <input type="checkbox"/> Yes <input type="checkbox"/> No, Enter Remark _____		SPECIMEN BOTTLE(S) RELEASED TO: <input type="checkbox"/> Yes <input type="checkbox"/> No, Enter Remark _____	
STEP 5: COMPLETED BY DONOR I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; each specimen bottle used was sealed with a tamper-evident seal in my presence; and that the information and numbers provided on this form and on the label affixed to each specimen bottle is correct.			
X _____ Signature of Donor Daytime Phone No. () _____ Evening Phone No. () _____		(PRINT) Donor's Name (First, MI, Last) _____ Date (Mo./Day/Yr.) _____ Date of Birth _____ Mo. Day Yr.	

Date (Mo./Day/Yr.) Donor's Initials	CENTER OVER CAP 	SPECIMEN ID NUMBER 65236025 - 4669321 65236025 - 4669321 SPECIMEN ID NUMBER
Date (Mo./Day/Yr.) Donor's Initials	CENTER OVER CAP 	

COPY 1 - LABORATORY

Appendix I

ORDINANCE

AN ORDINANCE OF THE COUNCIL
OF THE CITY OF COOKEVILLE,
TENNESSEE, AMENDING TITLE 1,
CHAPTER 1 OF THE COOKEVILLE
MUNICIPAL CODE, ADOPTING A
CODE OF ETHICS

ORDINANCE NUMBER: 007-04-10
REQUESTED BY: CITY ATTORNEY
PREPARED BY: CITY MANAGER
APPROVED AS TO FORM AND

CORRECTNESS:


(City Attorney)

PASSED FIRST READING: 4-19-07

PASSED 2ND READING: 5-3-07

MINUTE BOOK _____ PAGE _____

THE BOARD OF MAYOR AND CITY COUNCIL OF THE CITY OF COOKEVILLE,
TENNESSEE HEREBY ORDAINS:

Section I. That Title 1, Chapter 1, of the Cookeville Municipal Code be amended by adding the following section:

1-401. Applicability. This chapter is the code of ethics for personnel of the City of Cookeville. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the City of Cookeville.

1-402. Definition of personal interest.

(1) For purposes of this Section, "personal interest" means:

(a) Any financial, ownership, or employment interest in the subject of a vote by any board not otherwise regulated by state statutes on conflicts of interests; or

(b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or

(c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parents, stepparents, grandparents, siblings, children, or stepchildren.

(2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.

(3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place before the vote so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure.

ORDINANCE

1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion, shall disclose, before the exercise of the discretion, when possible, the interest on a form provided by and filed with the city clerk. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

1-405. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the City of Cookeville:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

1-406. Use of information.

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

1-407. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the City of Cookeville.

1-408. Use of position or authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Cookeville.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City of Cookeville.

1-409. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the City of Cookeville's charter or any ordinance or policy.

ORDINANCE

1-410. Ethics complaints.

(1) The city attorney is designated as the ethics officer of the City of Cookeville. Upon the written request of an official or employee potentially affected by a provision of this chapter, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

(2)(a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this chapter, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.

(b) The city attorney may request that the city council hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.

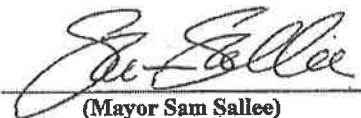
(c) When a complaint of a violation of any provision of this chapter is lodged against a member of the city council, the city council shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the governing body determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the city council.

(3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.

(4) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

1-411. Violations. An elected official or appointed member of a separate board, commission, committee, authority, corporation, or other instrumentality of the City of Cookeville, who violates any provision of this chapter, is subject to punishment as provided by the City of Cookeville's charter or other applicable law, and in addition is subject to censure by the city council. An appointed official or an employee who violates any provision of this chapter is subject to disciplinary action.

Section II. That this ordinance shall take effect fourteen (14) days from and after its final passage, the public welfare requiring it.


(Mayor Sam Sallee)

ATTEST:


(City Clerk Cathy McClain)

Appendix J

City of Cookeville, Tennessee

Personnel Policies and Procedures Manual



Identity Theft Policy

Adopted Effective: October 16, 2008

IDENTITY THEFT POLICY

SECTION 1: Background

- 1.01 The risk to the City of Cookeville, its employees and customers from data loss and identity theft is of significant concern to the city and can be reduced only through the combined efforts of every employee and contractor.

SECTION 2: Purpose

- 2.01 The City of Cookeville adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.
- 2.02 This policy will:
 - 2.02.01 Define sensitive information.
 - 2.02.02 Describe the physical security of data when it is printed on paper.
 - 2.02.03 Describe the electronic security of data when stored and distributed.
 - 2.02.04 Place the municipality in compliance with state and federal regarding identity theft protection.
 - 2.02.05 Mandate how public records will be handled on a case-by-case basis by the city manager's office.
- 2.03 This policy enables the City of Cookeville to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the fraudulent new accounts.
- 2.04 The program will help the City:
 - 2.04.01 Identify risks that signify potentially fraudulent activity within new or existing covered accounts.
 - 2.04.02 Detect risks when they occur in covered accounts.
 - 2.04.03 Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed.
 - 2.04.04 Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SECTION 3: Scope

- 3.01 This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

SECTION 4: Policy

- 4.01 Definition of sensitive information whether stored in electronic or printed format:
 - 4.01.01 Credit card information, including any of the following:
 - a. Credit card number (in part or whole)
 - b. Credit card expiration date

- c. Cardholder name
 - d. Cardholder address
- 4.01.02 Tax identification numbers, including:
 - a. Social security number
 - b. Business identification number
 - c. Employer identification numbers
- 4.01.03 Payroll information, including, among other information:
 - a. Paychecks
 - b. Pay stubs
- 4.01.04 Cafeteria plan check requests and associated paperwork.
- 4.01.05 Medical information for any employee or customer, employee or contractor, examples of which include:
 - a. Doctor names and claims
 - b. Insurance claims
 - c. Prescriptions
 - d. Any related personal medical information
- 4.01.06 Other personal information belonging to any customer, employee or contractor, examples of which include:
 - a. Date of birth
 - b. Address
 - c. Phone numbers
 - d. Maiden name
 - e. Names
 - f. Customer number
- 4.01.07 Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Tennessee Public Records Act and the municipality's open records policy. Anyone requesting information must complete a Public Records Request Form. Some requests may be submitted to the city manager's office for release authorization. If an employee is uncertain of the sensitivity of a particular piece of information, the request shall be directed to the city manager for review. In the event that the municipality cannot resolve a conflict between the policy and the Tennessee Public Records Act, the municipality will contact the Tennessee Office of Open Records.

4.02 Hard Copy Distribution

4.02.01 Each employee and contractor performing work for the municipality will comply with the following policies:

- a. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
- b. Storage rooms containing documents with sensitive information and record retention areas will be locked at end of each workday or when unsupervised.
- c. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
- d. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
- e. When documents containing sensitive information are discarded they may only be destroyed in accordance with the city's records retention policy. Such documents will be properly secured until destroyed and must be destroyed so as to prevent unauthorized access to them.

4.03 Electronic Distribution

4.03.01 Each employee and contractor performing work for the municipality will comply with the following policies:

- a. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
- b. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be added in the email: (*"This message may contain confidential and/or proprietary information and it is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited. If you have received this electronic transmission in error, please notify the sender immediately by a reply to sender only message and destroy all electronic and hard copies of the communication, including attachments."*)
- c. Employees should save all electronic data concerning the City on the City's network drives.
- d. The use of the City of Cookeville's computer system by employees for personal use is discouraged, and the city will not be held responsible if such information is lost or stolen.

SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

5.01 If the municipality maintains certain covered accounts pursuant to federal legislation, the municipality may include the additional program details.

5.01.01 A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

- a. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or

- b. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

5.01.02 Red Flag – The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

- a. Alerts, notifications or warnings from a consumer reporting agency;
- b. A fraud or active duty alert included with a consumer report;
- c. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
- d. A notice of address discrepancy from a consumer reporting agency as defined in 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.
- e. Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - A recent and significant increase in the volume of inquiries.
 - An unusual number of recently established credit relationships.
 - A material change in the use of credit, especially with respect to recently established credit relationship; or
 - An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

5.01.03 Suspicious documents

- a. Documents provided for identification that appear to have been altered or forged.
- b. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- c. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- d. Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.
- e. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

5.01.04 Suspicious personal identifying information

- a. Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:
 - The address does not match any address in the consumer report;

- The social security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or
 - Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and the date of birth.
- b. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application.
 - c. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:
 - The address on an application is fictitious, a mail drop, or a prison; or
 - The phone number is invalid or is associated with a pager or answering service.
 - d. The SSN provided is the same as that submitted by other persons opening an account or other customers.
 - e. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.
 - f. The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - g. Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.
 - h. When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

5.01.05 Unusual use of, or suspicious activity related to, the covered Account

- a. Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
- b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.
- c. A covered account is used in a manner that is not consistent with established patterns of activity on the account. For example:
 - Nonpayment when there is no history of late or missed payments;

- A material change in purchasing or usage patterns
- d. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- f. The municipality is notified that the customer is not receiving paper account statements.
- g. The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.
- h. The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality.
- i. The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

SECTION 6: RESPONDING TO RED FLAGS

- 6.01 Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.
 - 6.01.01 Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.
 - 6.01.02 The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.
- 6.02 If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include.
 - 6.02.01 Canceling the transaction:
 - 6.02.02 Notifying and cooperating with appropriate law enforcement;
 - 6.02.03 Determining the extent of liability of the municipality; and
 - 6.02.04 Notifying the actual customer that fraud has been attempted.

SECTION 7: PERIODIC UPDATES TO PLAN

- 7.01 At periodic intervals established in the program, or as required, the program will be reevaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.
- 7.02 Periodic reviews will include an assessment of which accounts are covered by the program.
- 7.03 As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.
- 7.04 Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

SECTION 8: PROGRAM ADMINISTRATION

8.01 Involvement of management

- 8.01.01.1 The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.
- 8.01.02 The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.
- 8.01.03 Operational responsibility of the program is delegated to the City Manager.

8.02 Staff training

- 8.02.01 Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.
- 8.02.02 The Human Resource Director is responsible for ensuring identity theft training for all requisite employees and contractors.
- 8.02.03 Employees must receive annual training in all elements of this policy.
- 8.02.04 To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

8.03 Oversight of service provider arrangements

- 8.03.01 It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.
- 8.03.02 A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.
- 8.03.03 Any specific requirements should be specifically addressed in the appropriate contract arrangements.

The resolution will take effect immediately upon passage, the public welfare requiring it.

Appendix K

RESOLUTION

A RESOLUTION OF THE COUNCIL OF
THE CITY OF COOKEVILLE,
TENNESSEE, AMENDING THE
PERSONNEL POLICIES AND
PROCEDURES MANUAL

RESOLUTION NO. R15-07-10

REQUESTED BY: Human Resources

PREPARED BY: Gail Fowler

APPROVED FORM/CORRECTNESS:


(City Attorney)

ADOPTED: 7-2-15

MINUTE BOOK _____ PAGE _____

WHEREAS, the City Council originally approved the Personnel Policies and Procedures Manual on June 27, 1988; and

WHEREAS, in an on-going effort to keep the Manual current, changes have taken place and will continue to take place; and

NOW, THEREFORE, BE IT RESOLVED THAT THE PERSONNEL POLICIES AND PROCEDURES MANUAL BE AMENDED AS FOLLOWS:

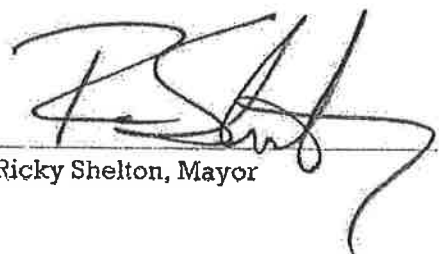
Chapter 8, Benefits and Programs shall be amended as follows:

Delete Section 5.03 and replace with:

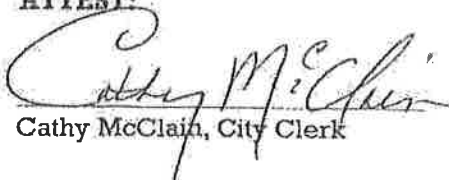
All police and firefighters and employees (with the exception of the Police Chief and the Fire Chief as noted in Tennessee Code Annotated 8-36-205(3)(C) who have been transferred from such a position to a supervisory or administrative position with the police and fire department shall be mandated to retire on the first day of the month following the month in which the employee attains age sixty (60) pursuant to Tennessee Code Annotated, Section 8-36-205. These employees are eligible for the payment of the supplemental bridge benefit pursuant to Tennessee Code Annotated, Section 8-36-211, and Group 1 members who have creditable service in a Group 1 position covered by such mandatory age retirement may retire on service retirement benefits upon attainment of age fifty-five (55) with twenty-five (25) years of creditable service pursuant to Tennessee Code Annotated, Section 8-36-201(A)(2) as established by Resolution #R15-06-08. It is included as an appendix to this manual.

BE IT FURTHER RESOLVED that the passage of this Resolution shall rescind Resolution number R09-09-14.

Adopted, this the 2nd day of July, 2015. This resolution shall take effect from and after its final passage, the public welfare requiring it.


Ricky Shelton, Mayor

ATTEST:


Cathy McClain, City Clerk

RESOLUTION

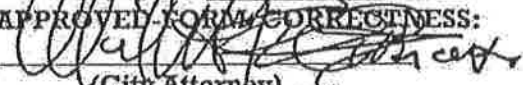
A RESOLUTION OF THE COUNCIL OF
THE CITY OF COOKEVILLE,
TENNESSEE, AMENDING THE
PERSONNEL POLICIES AND
PROCEDURES MANUAL

RESOLUTION NO. R14-06-11

REQUESTED BY: Human Resources

PREPARED BY: Gail Fowler

APPROVED FOR CORRECTNESS:


(City Attorney)

ADOPTED: 6-5-14

MINUTE BOOK PAGE

WHEREAS, the City Council originally approved the Personnel Policies and Procedures Manual on June 27, 1988; and

WHEREAS, in an on-going effort to keep the Manual current, changes have taken place and will continue to take place; and

NOW, THEREFORE, BE IT RESOLVED THAT THE PERSONNEL POLICIES AND PROCEDURES MANUAL BE AMENDED AS FOLLOWS:

Chapter 6, Classification Plan shall be amended by adding Section 7 – Job Classification Methodology:

- 7.01 The Job Classification Plan is a market driven approach to evaluating and classifying jobs.
- 7.02 An average market rate is determined for each job based on available salary survey data and/or research of prevailing pay rates among competing employers.
 - 7.02.01 The human resources director will compile published data or conduct research of market pay rates as necessary.
- 7.03 The job will be assigned to the pay grade in the approved pay schedule for which the current pay range midpoint most closely matches the average market rate determined for the job.
- 7.04 If valid market data are not readily available, the human resources director, in conjunction with the functional department head, may assign the job to the pay grade deemed to be appropriate based on comparison of job responsibilities and accountability to other City of Cookeville jobs, potential career paths, and other job related factors.

Chapter 7, Pay Plan and Wage Administration shall be amended as follows:

Delete Section 1.03 and replace with: The pay plan shall include a pay schedule comprised of pay grades and pay ranges for all positions in the classification plan.

Delete Section 1.04 and replace with: It shall be the responsibility of the city manager to approve the pay plan, including the assignment of each position in the classification plan to a pay grade and pay range in the pay schedule.

Delete Section 6: Pay Step Increases and replace with: Section 6: Annual Merit Increases.

Delete Section 6.02 and replace with: The City Council may approve funding for potential merit increases and any market rate adjustments for the pay scale during the budget process. The City's pay plan provides for ranges within each pay grade and upon submission of a satisfactory performance evaluation, the director may grant a merit increase.

Delete Section 6.03 and replace with: An increase for exceptional/outstanding performance may be given with city manager approval.

Delete Section 7 and replace with:

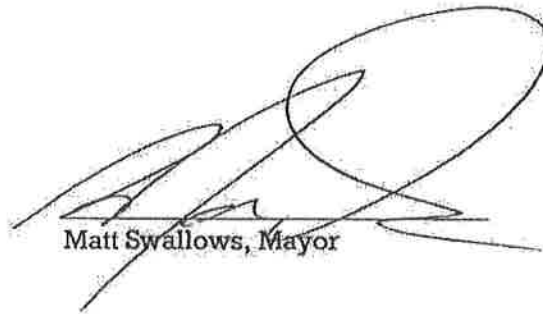
Section 7: Pay Schedule Adjustment

7.01 The pay schedule (pay ranges) is to be reviewed on a periodic basis by the human resources director, finance director and city manager. The pay schedule may be adjusted periodically as necessary to ensure that the city's pay practices remain competitive with changes in labor market conditions. Normally, if an adjustment is needed, this is accomplished by increasing the pay ranges by some common percentage.

7.02 The City Council may approve funding for potential merit increases during the budget process.

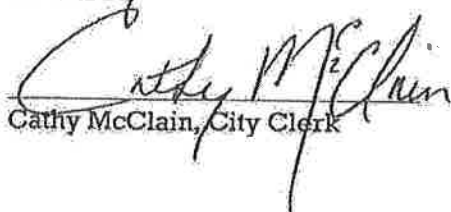
Chapter 10, Disciplinary Action, Section 1.03.05 shall be amended by adding – except those that are the result of Accident Review Board recommendations.

Adopted, this the 5th day of June, 2014. This resolution shall take effect from and after its passage.



Matt Swallows, Mayor

ATTEST:



Cathy McClain, City Clerk